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AS AMENDED AT THE ELECTION OF 1888, THE CONSTITUTION  
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Let Civil Government be the handmaid of History, and a clear understanding of both will fit our boys and girls to hold as dear as their heart's blood the welfare, honor, and perpetuity of "The noblest land the sun ever shone upon," "Our Country first, last, and always."

HENRY C. NORTHAM.

LOWVILLE, *July 1, 1886.*



# PRESIDENTIAL VOTE, FROM 1789 TO DATE.

INAUGURATED.	CANDIDATES.	PARTY.	POPULAR VOTE.	ELECTORS.
1789	George Washington.....	.....	Elec. chosen by Legislature.	Unan.
1797	John Adams.....	Fed. . .	" " "	71
	Thomas Jefferson.....	Dem. . .	" " "	69
1801	Thomas Jefferson.....	Dem. . .	Election went to H. of R.	73
	Aaron Burr.....	Dem. . .	and Jefferson was elected	73
	John Adams.....	Fed. . .	on the 36th ballot.	65
1805	Thomas Jefferson.....	Dem. . .	Elec. chosen by Legislature.	148
	C. C. Pinckney.....	Fed. . .	" " "	28
1809	James Madison.....	Dem. . .	" " "	122
	C. C. Pinckney.....	Fed. . .	" " "	47
1813	James Madison.....	Dem. . .	" " "	123
	De Witt Clinton.....	Fed. . .	" " "	89
1817	James Monroe.....	Dem. . .	" " "	183
	Rufus King.....	Fed. . .	" " "	34
1821	James Monroe.....	Dem. . .	But 1 electoral vote in op...	
1825	J. Q. Adams.....	Fed. . .	105,321. Elec. by H. of R.	84
	Andrew Jackson.....	Dem. . .	155,872.....	99
	W. H. Crawford.....	Dem. . .	44,282.....	41
	Henry Clay.....	Whig . .	46,587.....	37
1829	Andrew Jackson.....	Dem. . .	647,231.....	178
	J. Q. Adams.....	Fed. . .	509,097.....	83
1833	Andrew Jackson.....	Dem. . .	687,502.....	219
	Henry Clay.....	Whig . .	530,189.....	49
	John Floyd.....	Whig . .	Not known.....	11
	William West.....	Whig . .	" ".....	7
1837	Martin Van Buren.....	Dem. . .	761,549.....	170
	William H. Harrison.....	Whig . .	736,656.....	121
1841	William H. Harrison.....	Whig . .	1,275,011.....	234
	Martin Van Buren.....	Dem. . .	1,135,761.....	60
1845	James K. Polk.....	Dem. . .	1,337,243.....	170
	Henry Clay.....	Whig . .	1,361,362.....	105
1849	Zachary Taylor.....	Whig . .	1,360,099.....	163
	Lewis Cass.....	Dem. . .	1,220,544.....	127
	Martin Van Buren.....	Dem. . .	291,363.....	
1853	Franklin Pierce.....	Dem. . .	1,601,474.....	254
	Winfield Scott and others....	Whig . .	1,542,403.....	42
1857	James Buchanan.....	Dem. . .	1,898,169.....	174
	John C. Fremont and others....	Rep. . .	2,215,798.....	122
1861	Abraham Lincoln.....	Rep. . .	1,866,852.....	180
	J. C. Breckenridge and others..	Dem. . .	2,810,501.....	123
1865	Abraham Lincoln.....	Rep. . .	2,216,067.....	213
	Geo. B. McClellan.....	Dem. . .	1,808,725.....	21
1869	Ulysses S. Grant.....	Rep. . .	3,015,071.....	214
	Horatio Seymour.....	Dem. . .	2,709,613.....	80
1873	Ulysses S. Grant.....	Rep. . .	3,537,070.....	300
	Horace Greeley.....	L. & D.	2,834,070.....	66

IN AUG- URATED.	CANDIDATES.	PARTY.	POPULAR VOTE.	ELEC- TORS.
1877	Rutherford B. Hayes.....	Rep.	4,049,096.....	185
	Samuel J. Tilden.....	Dem.	4,315,801.....	184
	Peter Cooper.....	G'b'k...	81,907.....	
1881	James A. Garfield.....	Rep.	4,450,921.....	214
	Winfield S. Hancock.....	Dem.	4,447,888.....	155*
	J. B. Weaver.....	G'b'k...	307,740.....	
1885	Grover Cleveland.....	Dem.	5,874,118.....	219
	James G. Blaine.....	Rep.	4,849,850.....	182
	Benjamin F. Butler.....	G'b'k...	184,948.....	
	John P. St. John.....	Pro.	149,326.....	
1889	Benjamin Harrison.....	Rep.	5,439,853.....	233
	Grover Cleveland.....	Dem.	5,540,329.....	168
	Clinton B. Fisk.....	Pro....	249,506.....	
	Scattering.....		151,344.....	

\* Including Georgia's votes, not counted.

NOTE.—The one vote in 1821 was cast for John Quincy Adams by an elector from New Hampshire.

#### PRESIDENT HARRISON'S CABINET.

Secretary of State.....James G. Blaine.

Secretary of Treasury.....William Windom.

Secretary of War.....Redfield Proctor.

Secretary of Navy.....Benjamin F. Tracy.

Secretary of Interior.....John W. Noble.

Post Master General.....John Wanamaker.

Attorney General.....W. H. H. Miller.

Secretary of Agriculture.....Jeremiah M. Rusk.

NOTE.—In case of new appointments to fill vacancies, insert them on the intermediate lines.

## GOVERNORS AND LIEUT. GOVERNORS.

Giving the names of all the Governors and Lieutenant Governors in and for the State of New York since the adoption of the first Constitution in 1777, to the present time.

NAMES OF GOVERNORS.	NAMES OF LIEUT. GOVERNORS.	IN.
George Clinton.....	Pierre Van Cortland.....	1777
John Jay.....	Stephen Van Rensselaer.....	1795
George Clinton.....	Jeremiah Van Rensselaer.....	1801
Morgan Lewis.....	John Broome.....	1804
*Daniel D. Tompkins.....	{ De Witt Clinton.....	1807
	{ John Taylor.....	1813
*John Taylor, L. Governor acting as Governor.....		1817
De Witt Clinton.....	John Taylor.....	1817
Joseph C. Yates.....	Erastus Root.....	1823
*De Witt Clinton.....	{ James Tallmadge.....	1825
	{ Nathaniel Pitcher.....	1827
*Nathaniel Pitcher, L. Governor acting as Governor.....		1828
*Martin Van Buren.....	Enos T. Throop.....	1829
*Enos T. Throop, L. Governor acting as Governor.....		1829
Enos T. Throop.....	Edward P. Livingston.....	1831
Wm. L. Marcy.....	John Tracy.....	1833
Wm. H. Seward.....	Luther Bradish.....	1839
Wm. C. Bouck.....	Daniel L. Dickinson.....	1843
Silas Wright.....	Addison Gardiner.....	1845
John Young.....	Hamilton Fish.....	1847
Hamilton Fish.....	Geo. W. Patterson.....	1849
Washington Hunt.....	Sanford E. Church.....	1851
Horatio Seymour.....	Sanford E. Church.....	1853
Myron H. Clark.....	Henry J. Raymond.....	1855
John A. King.....	Henry R. Selden.....	1857
Edwin D. Morgan.....	Robert Campbell.....	1859
Horatio Seymour.....	David R. Floyd Jones.....	1863
Reuben E. Fenton.....	{ Thomas G. Alvord.....	1865
	{ Steward L. Woodford.....	1867
John T. Hoffman.....	Allen C. Beach.....	1869
John A. Dix.....	John C. Robinson.....	1873
Samuel J. Tilden.....	Wm. Dorshelmer.....	1875

Lucius Robinson.....	Wm. Dorsheimer.....	1875
Alonzo B. Cornell.....	George G. Hoskins.....	1880
*Grover Cleveland....	David B. Hill.....	1883
*David B. Hill, Lieut. Governor acting as Governor.....		1885
David B. Hill.....	Edward F. Jones.....	1886
David B. Hill.....	Edward F. Jones.....	1889

Notes.—Daniel T. Tompkins resigned in 1817, to become Vice-President; John Taylor acting as Governor.

DeWitt Clinton died in office February 11, 1828; Nathaniel Pitcher serving the unexpired term.

Martin Van Buren resigned April 7, 1829, and accepted the office of Secretary of State under Andrew Jackson, Enos Throop serving the unexpired term.

Grover Cleveland resigned January 1, 1885, having been elected to the Presidency of the United States, David B. Hill serving the unexpired term.

Prior to 1823, the term was *three* years; from 1823 to 1877, the term was *two* years; since 1877, the term has been *three* years. Governor Clinton first entered upon his duties July 9; in 1787 an act was passed making the officer's term commence July 1. The constitution of 1821 provided that the term commence January 1.

#### JUDGES OF THE COURT OF APPEALS.

The Court consists of a Chief Judge and six Associate Judges, who hold office fourteen years.

NAMES.		TERM EXPIRES.
Wm. C. Ruger, Chief Judge.....		1894
Robert Earl, Associate.....		1890
Francis M. Finch, ".....		1895
Charles Andrews, ".....		1897
Rufus W. Peckham, ".....		1900
John Clinton Gray, ".....		1902
Dennis O'Brien, ".....		1903

The court for the trial of impeachment of State officers is composed of the President of the Senate, the Senate, and the Judges of the Court of Appeals.

#### AUXILIARY COURT OF APPEALS. (See pp. 178-180).

##### APPOINTED BY THE GOVERNOR FROM THE SUPREME COURT.

David L. Follett, Chief Judge. Charles F. Brown, Alton B. Parker, Joseph Potter, Irving G. Vann, George Bradley, and Albert Haight, Associate Judges.

# UNITED STATES SENATORS FROM NEW YORK.

FIRST CLASS.	ELECTED.	THIRD CLASS.	ELECTED.
Philip Schuyler.....	1789	Rufus King....	1789
Aaron Burr.....	*1791	Rufus King.....	*1795
Philip Schuyler.....	*1797	John Lawrence.....	1796
John S. Hobart.....	1798	John Armstrong.....	*1801
Wm. North.....	1798	De Witt Clinton.....	1802
James Watson.....	1798	John Armstrong.....	1803
Gouverneur Morris.....	1800	John Smith.....	1804
Theodorus Bailey.....	*1803	John Smith.....	*1807
Samuel Mitchell....	1804	Rufus King.....	*1813
Obadiah German.....	*1809	Rufus King.....	*1819
Nathan Sanford.....	*1815	Nathan Sanford.....	*1825
Martin Van Buren.....	*1821	Wm. L. Marcy.....	*1831
Martin Van Buren.....	*1827	Silas Wright, Jr....	1833
Charles E. Dudley....	1829	Silas Wright, Jr....	*1837
Nathaniel P. Tallmadge.....	*1833	Silas Wright, Jr....	*1843
Nathaniel P. Tallmadge.....	*1839	Henry Foster.....	1844
Daniel S. Dickinson.....	*1845	John A. Dix.....	1845
Hamilton Fish.....	*1851	Wm. H. Seward.....	*1849
Preston King.....	*1857	Wm. H. Seward.....	*1855
Edwin D. Morgan.....	*1863	Ira Harris.....	*1861
Reuben E. Fenton.....	*1869	Roscoe Conkling.....	*1867
Francis Kernan.....	*1875	Roscoe Conkling.....	*1873
Thomas C. Platt.....	*1881	Roscoe Conkling.....	*1879
Warner Miller.....	1881	Elbridge G. Lapham.....	1881
Frank Hiscock.....	*1887	Wm. M. Evarts.....	*1885

\* See page 69.

## CHIEF JUSTICES OF THE SUPREME COURT.

1. John Jay, of New York.....1789-1795.
2. John Rutledge, of South Carolina..... 1795.
3. Oliver Ellsworth, of Connecticut.....1796-1800.
4. John Marshall, of Virginia.....1800-1835.
5. Roger B. Taney, of Maryland.....1836-1864.
6. Salmon P. Chase, of Ohio.....1864-1873.
7. Morrison R. Waite, of Ohio.....1874-1888.
8. Melville W. Fuller, of Illinois.....1888-

## PRESENT SUPREME COURT.

### CHIEF JUSTICE.

Melville W. Fuller.....appointed 1888.

### ASSOCIATE JUSTICES.

Samuel F. Miller.....	appointed	1862.
Stephen J. Field.....	“	1863.
Joseph P. Bradley.....	“	1870.
John M. Harlan.....	“	1877.
Horace Gray.....	“	1881.
Samuel J. Blatchford.....	“	1882.
L. Q. C. Lamar.....	“	1888.
David J. Brewer.....	“	1889.

## JUSTICES OF THE SUPREME COURT.

The Supreme Court consists of forty-six Justices. The State is divided into eight judicial districts. The 1st district elects 7 Justices; the 2d, 5th, 7th and 8th districts each elect 6 Justices; and the 3d, 4th, and 6th districts each elect five Justices. As fast as the terms of Justices expire, elections take place for a term of 14 years. For General Term purposes, the State is divided into 5 Judicial Departments. The Governor designates the Justices to hold the General Terms. In each department there is a Presiding Justice, who holds office during the term for which he was elected to the bench, and two Associates, who hold office for 5 years, unless the terms for which they were elected sooner expire.

DISTRICTS.	NAMES.	TERM EXPIRES
1st. The city and county of New York.	John R. Brady, New York City.	1891
	George P. Andrews, "	1897
	Charles H. Van Brunt, "	1897
	George C. Barrett, "	1899
	Edward Patterson, "	1900
	Morgan J. O'Brien, "	1901
	Abraham R. Lawrence, "	1901
2d. Richmond, Suffolk, Orange, Kings, Westchester, Queens, Rockland, Putnam, and Dutchess counties.	Calvin E. Pratt, Brooklyn.....	1891
	Joseph F. Barnard, Po'keepsie..	1898
	Edgar M. Cullen, Brooklyn.....	1894
	Charles F. Brown*, Newburgh..	1898
	Willard Bartlett, Brooklyn.....	1897
	Jackson O. Dykman, White Plains	1908
3d. Columbia, Rensselaer, Sullivan, Ulster, Albany, Greene, and Schoharie counties.	William L. Learned, Albany ..	1891
	Stephen L. Mayham, Schoharie..	1896
	Alton B. Parker,* Kingston...	1900
	Samuel Edwards, Hudson.....	1901
	Edgar L. Fursman, Troy.....	1908
4th. Warren, Saratoga, St. Lawrence, Washington, Essex, Clinton, Franklin, Montgomery, Hamilton, Fulton, and Schenectady counties.	Frothingham Fish, Fultonville..	1890
	Charles O. Tappan, Potsdam.....	1891
	Joseph Potter,* Whitehall.....	1897
	John R. Putnam, Saratoga Spr..	1900
	Judson S. Landon, Schenectady	1901
5th. Onondaga, Jefferson, Oneida, Oswego, Herkimer, and Lewis counties.	John C. Churchill, Oswego...	1891
	George N. Kennedy, Syracuse...	1892
	Irving G. Vann,* ".....	1895
	Pardon C. Williams, Watertown	1897
	George A. Hardin, Little Falls..	1899
	Milton H. Merwin, Utica.....	1902
6th. Otsego, Delaware, Madison, Chenango, Tompkins, Broome, Chemung, Schuyler, Tioga, and Cortland counties.	Celora E. Martin, Binghamton..	1891
	Charles E. Parker, Owego.....	1901
	Gerrit A. Forbes, Canastota.....	1901
	David L. Follett,* Norwich.....	1902
	Walter Loyd Smith, Elmira.....	1902
7th. Livingston, Ontario, Wayne, Yates, Steuben, Seneca, Cayuga, and Monroe counties.	Charles C. Dwight, Auburn.....	1891
	Francis A. Macomber, Rochester	1892
	William Rumsey, Bath.....	1894
	George B. Bradley,* Corning....	1895
	Wm. H. Adams, Canandaigua....	1901
	John M. Davy, Rochester.....	1902
8th. Erie, Chautauqua, Cattaraugus, Orleans, Niagara, Genesee, Allegany, and Wyoming counties.	Albert Haight,* Buffalo.....	1890
	Charles Daniels, ".....	1891
	Thomas Corlett, ".....	1891
	Lorin L. Lewis, ".....	1895
	Henry A. Childs, Medina.....	1897
	John S. Lambert, Fredonia.....	1908

## JUDICIAL DEPARTMENTS.

The 1st Department consists of the 1st judicial district: Charles H. Van Brunt, Presiding; John R. Brady, Chas. Daniels and Willard Bartlett, Associates.

The 2d Department consists of the 2d judicial district: Joseph F. Barnard, Presiding; Calvin E. Pratt and Jackson O. Dykman, Associates.

The 3d Department consists of the 3d and 4th judicial districts: William L. Learned, Presiding; Judson S. Landon and Stephen L. Mayham, Associates.

The 4th Department consists of the 5th and 6th judicial districts: George A. Hardin, Presiding; Celora E. Martin and Milton H. Merwin, Associates.

The 5th Department consists of the 7th and 8th judicial districts: Charles C. Dwight, Presiding; Francis A. Macomber and Thos. Corlett, Associates.

\* Appointed to Auxiliary Court of Appeals.

## COUNTY JUDGES AND SURROGATES.

COUNTIES.	JUDGE.	SURROGATE.
New York .....	\$—	\$12,000
Kings.....	10,000	10,000
Westchester.....	6,000	4,000
Erie.....	5,000	6,000
Albany.....	4,500	4,000
Onondaga, } Oneida,* } Monroe,† }	4,000	3,500
Rensselaer.....	3,500	3,500
Ulster, } Dutchess, }	3,000	3,000
Queens.....	2,500	3,500
Chautauqua,* } Cayuga,* } Columbia, } Ontario, } Saratoga, }	2,000	1,600 2,000 2,500 1,500 2,000
Cattaraugus, } Oswego,* } Jefferson,* }	1,500	1,500
Niagara, } Steuben, }		2,000
Orange* .....	1,500	2,500
Otsego.....	1,800	1,500
St. Lawrence*.....	1,750	1,750
Washington*.....	1,200	1,500
Suffolk.....	1,000	1,500

In the following counties, the county judges act also as surrogates, receiving for both offices the salaries named.

Rockland, \$3,600. Richmond, \$3,500. Broome, Chemung, Chenango,† Clinton, Herkimer, Livingston, Madison, \$3,000. Allegany, \$2,750. Cortland, Essex, Genesee, Montgomery, Schoharie, Tioga,† Tompkins, Wyoming, \$2,500. Fulton, \$2,250. Delaware, Franklin, Greene, Orleans, Schenectady, Warren, Wayne, \$2,000. Lewis, \$1,800. Putnam, Schuyler, Seneca, Yates, \$1,500. Sullivan,\* \$1,200. Hamilton, \$800.

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\* Elects also Special County Judge and Surrogate.

† Elects also Special County Judge.



# NUMBER OF TOWNS AND CITIES, BY COUNTIES.

	TOWNS.	CITIES.		TOWNS.	CITIES.
Albany	9	2	Oneida	26	2
Allegany	29		Onondaga	19	1
Broome	15	1	Ontario	16	
Cattaraugus	32		Orange	18	2
Chautauqua	25	2	Orleans	10	
Cayuga	23	1	Oswego	21	1
Chemung	11	1	Otsego	24	
Chenango	21		Putnam	6	
Clinton	14		Queens	6	1
Columbia	18	1	Rensselaer	16	1
Cortland	15		Richmond	5	
Delaware	19		Rockland	5	
Dutchess	20	1	St. Lawrence	31	1
Erie	25	1	Saratoga	20	
Essex	18		Schenectady	5	1
Franklin	17		Schoharie	16	
Fulton	10	1	Schuyler	8	
Genesee	13		Seneca	10	
Greene	14		Steuben	32	2
Hamilton	8		Suffolk	10	
Herkimer	19		Sullivan	15	
Jefferson	22	1	Tioga	9	
Kings	4	1	Tompkins	9	1
Lewis	18		Ulster	20	1
Livingston	17		Warren	11	
Madison	14		Washington	17	
Monroe	19	1	Wayne	15	
Montgomery	10	1	Westchester	21	1
New York		1	Wyoming	16	
Niagara	12	1	Yates	9	

937 32

## THE CITIES OF NEW YORK.

	<i>Date of Incorporation.</i>		<i>Population in 1880.</i>
New York.....	1680.....	has 24 wards,	1,206,557
Brooklyn.....	1834.....	" 26 "	566,689
Buffalo.....	1832.....	" 13 "	155,187
Albany.....	1686.....	" 17 "	90,903
Rochester.....	1834.....	" 16 "	89,363
Troy.....	1816.....	" 13 "	56,747
Syracuse.....	1847.....	" 11 "	51,791
Utica.....	1832.....	" 12 "	33,913
Auburn.....	1848.....	" 10 "	21,924
Oswego.....	1848.....	" 8 "	21,117
Elmira.....	1864.....	" 7 "	20,541
Poughkeepsie.....	1854.....	" 6 "	20,307
Cohoes.....	1869.....	" 4 "	19,417
Yonkers.....	1872.....	" 4 "	18,893
Kingston.....	1872.....	" 9 "	18,843
Newburg.....	1865.....	" 4 "	18,050
Binghamton.....	1867.....	" 13 "	17,315
Long Island City.....	1870.....	" 5 "	17,096
Schenectady.....	1798.....	" 5 "	13,675
Lockport.....	1865.....	" 4 "	13,523
Rome.....	1870.....	" 5 "	12,045
Hornellsville.....	1868.....	" 6 "	11,400
Watertown.....	1869.....	" 4 "	10,697
Ithaca.....	1868.....	" 4 "	10,500
Ogdensburg.....	1868.....	" 4 "	10,340
Amsterdam.....	1865.....	" 4 "	9,466
Hudson.....	1785.....	" 4 "	8,669
Jamestown.....	1886.....	" 5 "	8,536
Middletown.....	1888.....	" 4 "	8,494
Dunkirk.....	1880.....	" 4 "	7,243
Corning.....	1890.....	" 5 "	*9,000
Gloversville.....	1890.....	" 6 "	7,205

Note—The constitution of Pennsylvania says that "cities may be chartered whenever a majority of the electors of any town or borough having a population of at least 10,000 inhabitants, shall vote at any general election in favor of the same."

Pennsylvania has 25 cities, namely:

Allegheny,	Harrisburg,	Philadelphia,
Altoona,	Lock Haven,	Pittsburg,
Allentown,	Lancaster,	Reading,
Bradford,	Lebanon,	Scranton,
Chester,	Meadville,	Titusville,
Corry,	Monongahela City,	Wilkes-barre.
Carbondale,	New Castle,	Williamsport.
Erie,	Oil City,	
Franklin,		

## REGENTS OF THE UNIVERSITY.

The Governor, *ex-officio*.

The Lieutenant-Governor, *ex-officio*.

The Secretary of State, *ex-officio*.

The Superintendent of Public Instruction, *ex-officio*.

1864.	Geo. Wm. Curtis.....	W. New Brighton.
1870.	Francis Kernan.....	Utica.
1873.	Martin I. Townsend.....	Troy.
1874.	Anson J. Upson.....	Glens Falls
1876.	Wm. L. Bostwick.....	Ithaca.
1877.	Orris H. Warren.....	Syracuse
1877.	Chauncey M. Depew.....	New York.
1877.	Charles E. Fitch.....	Rochester.
1878.	Whitelaw Reid.....	New York.
1878.	Leslie W. Russell.....	Canton.
1881.	Wm. H. Watson.....	Utica.
1881.	Henry E. Turner.....	Lowville.
1883.	St. Clair McKelway.....	Brooklyn.
1885.	Hamilton Harris.....	Albany.
1885.	Daniel Beach.....	Watkins.
1886.	Willard A. Cobb.....	Lockport.
1888.	Carroll E. Smith.....	Syracuse.
1890.	Pliny T. Sexton.....	Palmyra.
1890.	T. Guilford Smith.....	Buffalo.

# OFFICERS OF DEPARTMENT OF PUBLIC INSTRUCTION.

<i>Superintendent,</i>	Andrew S. Draper, Albany, . . . .	\$5,000
<i>Deputy,</i>	Charles R. Skinner, Albany . . . . .	4,000
<i>Board of Institute Instructors,</i>	{ Samuel H. Albro, Fredonia . . .	2,500
	{ Charles H. Barnes, Sauquoit . .	2,500
	{ Henry R. Sanford, Syracuse . .	2,500
	{ Isaac H. Stout, Geneva . . . . .	2,500
	{ A. S. Downing, Palmyra . . . . .	2,500
<i>Inspector of Teachers' Classes,</i>	Chas. E. Hawkins, Albany . . . . .	2,500

## OFFICERS OF THE BOARD OF REGENTS.

	<i>Salaries.</i>
<i>Chancellor,</i> Geo. Wm. Curtis, W. New Brighton	—
<i>Vice Chancellor,</i> Anson J. Upton, Glens Falls . .	—
<i>Secretary, and State Librarian,</i> Melvil Dewey, Albany . . . . .	\$5,000
<i>Ass't Secretary,</i> Albert B. Watkins, Albany . . .	3,000
<i>Inspector of Academies,</i> Francis J. Cheney, Albany . . . . .	2,500

# CIVIL GOVERNMENT.

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## DEFINITIONS AND HISTORY OF OUR GOVERNMENT.

*What is Government?*

Government is the power which makes, construes, and executes the laws.

*What is Civil Government?*

Civil Government is that whose powers are vested in officers chosen by the people or appointed by authority.

*What is the Science of civil government?*

The science of civil government investigates the principles of a constitutional government, and illustrates its methods of operation.

*What were the thirteen United States prior to the year 1776?*

They were colonies subject to Great Britain.

### FIRST CONTINENTAL CONGRESS.

*When did the Congress known as the First Continental Congress meet?*

The First Continental Congress assembled in "Carpenter's Hall," Philadelphia, and commenced work Sept. 5, 1774; it consisted of fifty-three delegates, and adjourned Oct. 26, after having provided for another

Congress to meet the following May. *Georgia* was not represented in this Congress.

NOTE.—It was in the First Congress that Patrick Henry used *these memorable words* :

"British oppression has effaced the boundaries of the several Colonies : the distinctions between Virginians, Pennsylvanians, New Yorkers, and New Englanders are no more. I AM NOT A VIRGINIAN BUT AN AMERICAN."

#### SECOND CONTINENTAL CONGRESS.

*When did the Second Continental Congress meet ?*

The Second Continental Congress consisted of fifty-six delegates, and it met at "Independence Hall," Philadelphia, May 10, 1775, and existed as a Congress until March 4, 1789. The members of this Congress adopted and signed the Declaration of Independence, in which for the first time the colonies received the name of the UNITED STATES OF AMERICA.

#### DECLARATION OF INDEPENDENCE.

*What did Virginia ask Congress to do ?*

Virginia, May 15, 1776, instructed her delegates in Congress to propose a *Declaration of the Independence* of the colonies.

*What did Congress then do ?*

Congress solemnly approached that great subject and resolved to appoint, and DID, on the 11th of June, 1776, appoint the following persons—Thomas Jefferson, John Adams, Benj. Franklin, Roger Sherman, and Robert R. Livingston, to draft a Declaration of Independence.

*Who wrote the Declaration ?*

Thomas Jefferson wrote it at the request of his associates. Two or three alterations, verbal only, were suggested by Franklin and Adams.

*What did they say in the Preamble to the Declaration?*

“A decent respect to the opinions of mankind requires that they should declare the causes which impel them to this separation.” See page 191.

*What was the resolution introduced into Congress by Richard Henry Lee, and how was it disposed of?*

On the 7th day of June, 1776, Mr. Lee introduced into Congress the following resolution, which was seconded by John Adams. A stormy debate followed from the 7th to the 10th: it was then postponed to July 1st. After discussion, Congress agreed to meet in “Committee of the Whole” the following day (July 2,) at which time the Committee of the Whole reported and the resolution was adopted in the following words:

*Resolved*, THAT THESE UNITED COLONIES ARE, AND, OF RIGHT OUGHT TO BE, FREE AND INDEPENDENT STATES: THAT THEY ARE ABSOLVED FROM ALL ALLEGIANCE TO THE BRITISH CROWN, AND THAT ALL POLITICAL CONNECTION BETWEEN THEM AND THE STATE OF GREAT BRITAIN, IS, AND OUGHT TO BE, TOTALLY DISSOLVED.

*When was the Declaration of Independence adopted and signed?*

The resolution of Mr. Lee was adopted July 2d by a vote of twelve colonies. (The delegates from New York, pending the decision of the question by the people of that colony, did not vote.)

July 4, 1776, the entire Declaration was adopted by the same vote. On the same day it was authenticated by the President and Secretary of Congress and published, but not then signed by the members.

Having been engrossed on parchment, it was signed August 2, 1776, by fifty-four delegates, and subsequently

by two others, making fifty-six in all, representing the thirteen colonies, the New York convention having approved the act July 9, 1776.

NOTES.—The story has come down to us, more than a hundred years old, that during these anxious hours while members were hesitating and debating on the 4th of July, the old bell-man had his hand on the bell-rope, and his little grandson standing where he could catch the first words of assurance that the Declaration was adopted, at the proper time shouted, "RING, GRAND-PA, RING, OH RING FOR LIBERTY."

This prophetic bell (now called Independence Bell) was cast in England in 1752. It was rung *long and loud* to proclaim the Declaration, but was subsequently fractured, and now hangs in honored repose, as a sacred relic of the past. It was taken to New Orleans in 1885, and was on exhibition at the "Exposition" held there.

The following inscription was cast in the metal. "PROCLAIM LIBERTY THROUGHOUT ALL THE LAND, AND TO THE INHABITANTS THEREOF."

The following story in regard to Charles Carroll is worth remembering.

His name was among the first written, and as he affixed his signature a member observed, "THERE GO A FEW MILLIONS:" but adding, "*however, there are many Charles Carrolls, and the British will not know which one it is.*" Mr. Carroll immediately added to his name "*of Carrollton,*" and was afterward known as CHARLES CARROLL OF CARROLLTON.

Mr. Carroll, the last of the signers of the Declaration, died Nov. 13, 1832.

#### CONFEDERATION.

*With what body of men did the Articles of Confederation originate?*

They originated with the second Continental Congress.

*When were they adopted?*

The various resolutions and amendments that had been proposed were consolidated into thirteen articles, and adopted by Congress, Nov. 15, 1777, as the Articles of Confederation.

*How many departments of government existed under the Confederation?*

One, vested in a Congress in which no State should be represented by less than two or more than seven members: and each State had only a single vote.

There was no Judiciary.

There was no Executive.



*What has been said of the Confederation?*

"The United States in Congress" said a native critic of the Articles of Confederation, "have exclusive power for the following purposes without being able to execute one of them."

1. "They make and conclude treaties, but can only *recommend* the observance of them."

2. "They may appoint ambassadors, but cannot defray even the expenses of their tables."

3. "They may borrow money in their own name on the faith of the Union, but cannot pay a dollar."

4. "They may coin money, but cannot buy an ounce of bullion."

5. "They may make war, and determine what number of troops are necessary, but cannot raise a single soldier."

6. "In short they may *declare* everything but *do* nothing."

NOTE.—Maryland was the last to ratify the Articles of Confederation in 1781, at which time they became binding upon all the States.

## SESSIONS.

*Where were the sessions of the Continental Congress held?*

The *First* Continental Congress was held at Philadelphia, (Carpenter's Hall) . . . . . Sept. 5, 1774.

The *Second* Continental Congress was held at  
 Philadelphia, (Independence Hall) . . . . . May 10, 1775.  
 Baltimore . . . . . Dec. 20, 1776.  
 Philadelphia, . . . . . March 4, 1777.  
 Lancaster, Pa. . . . . Sept. 27, 1777.  
 York, Pa. . . . . Sept. 30, 1777.  
 Philadelphia . . . . . July 2, 1778.

Princeton, N. J.....	June 30, 1783.
Annapolis, Md.....	Nov. 26, 1783.
Trenton, N. J.....	Nov. 1, 1784.
New York.....	Jan. 11, 1785.

NOTE.—This Congress adjourned to meet at these different places for certain reasons, some members retiring from the office, others being elected to take their places, but it retained the name, "Second Continental Congress" until the Constitutional organization.

#### PRESIDENTS.

*Who were the Presidents of the Continental Congresses and when elected?*

#### FIRST CONGRESS.

Peyton Randolph, Va.....	Sept. 5, 1774.
The First Congress ended Oct. 26, 1774.	

#### SECOND CONGRESS.

Peyton Randolph, Va.....	May 10, 1775.
John Hancock, Mass.....	May 24, 1775.
Henry Laurens, S. C.....	Nov. 1, 1777.
John Jay, N. Y.....	Dec. 10, 1778.
Samuel Huntington, Conn.....	Sept. 28, 1779.

#### CONFEDERATION.

On the 2d day of March, 1781, Congress assembled under the Confederation, the Articles having been ratified by the States.

Thomas McKean, Del.....	July 10, 1781.
John Hanson, Md.....	Nov. 5, 1781.
Elias Boudinot, N. Y.....	Nov. 4, 1782.
Thomas Mifflin, Pa.....	Nov. 3, 1783.
Richard Henry Lee, Va.....	Nov. 30, 1784.
Nathaniel Gorham, Mass.....	June 6, 1786.
Arthur St. Clair, Pa.....	Feb. 2, 1787.
Cyrus Griffin, Va.....	Jan. 22, 1788.

The Second Continental Congress ended March 4, 1789.

NOTE.—During the periods of the Revolution and Confederation, there were thirteen different Presidents, but all of their *executive power* was vested in Congress, which could only *recommend*, but not *demand*, any action for the public good. They were simply presiding officers.

*Name some prominent men in each of these Congresses.*

In the First Congress were George Washington, Patrick Henry, Richard Henry Lee, Edward Rutledge, John Rutledge, Samuel Adams, John Adams, Roger Sherman, Philip Livingston, John Jay, and others.

In the Second Congress were George Washington, Patrick Henry, Richard Henry Lee, Samuel Adams, John Adams, John Jay, Benj. Franklin, John Hancock, George Clinton, Robert R. Livingston, Thomas Jefferson, Charles Carroll of Carrollton, and others.

NOTE.—Study the biographies of these men.

#### CONSTITUTION.

*How did the present Constitution of the United States originate, and how was it formed?*

Feb. 21, 1787, the Second Continental Congress resolved that a convention, consisting of delegates from the several States, should meet at Philadelphia, on the second Monday in May, 1787, for the purpose of revising the Articles of Confederation, and report the same to Congress for ratification.

*What did these delegates do?*

These delegates (55 in number, Rhode Island not represented) met May 14, 1787, at Independence Hall, Philadelphia, and elected George Washington president of the convention. Being fully satisfied that something more than amendments to the Articles of Confederation

were needed, they proceeded to frame an entirely new constitution, consisting of *seven articles*, and on the 17th of September, 1787, they reported the same to Congress.

The Constitution was to go into operation when ratified by nine States. See page 129.

*What did Congress then do?*

Congress submitted the report, embracing the Constitution and Resolutions, to the legislatures of the several States, with the request that they be submitted to conventions of delegates chosen in each State by the people thereof.

*How many States ratified the Constitution before it went into operation?*

Eleven States ratified it. North Carolina ratified Nov. 21, 1789, and Rhode Island, May 29, 1790.

#### ELECTORS OF PRESIDENT AND VICE-PRESIDENT.

*What did Congress then do?*

The Second Continental Congress adopted Sept. 13, 1778, the following resolution:

*Resolved*, That the first Wednesday in January next, 1789, be the day for appointing electors in the several States, which, before the said day, shall have ratified the said Constitution: that the first Wednesday in February next, be the day for the electors to assemble in their respective States, and vote for a President: that the **FIRST WEDNESDAY** in March next, 1789, be the time, and New York (the present seat of Congress) the place for commencing proceedings under the Constitution.

NOTE.—Prior to 1821, the electors were chosen by the legislatures of the several States.

## FOURTH OF MARCH.

*What date was afterward fixed for the beginning of the Presidential term?*

Congress passed a bill, which was approved March 1, 1792, as follows:

*And be it further enacted, That the term of four years, for which a President and Vice-President shall be elected, shall, in all cases, commence on the fourth day of March next succeeding the day on which the votes of the electors shall have been given.*

NOTE.—The FIRST WEDNESDAY in March, 1789, was the *fourth day of March*, and the *day of the month*, instead of the day of the week, was afterward recognized as the commencement of a Presidential term.

## WHO MADE THE CONSTITUTION?

*Who, then, framed and ratified the National Constitution?*

THE PEOPLE, by their delegates in convention, framed it: THE PEOPLE, by their delegates in convention, ratified it; and the CONTINENTAL CONGRESS declared it ratified.

*By Whom, and When, were the fifteen amendments prepared and ratified?*

The first ten amendments were prepared by the first Congress under the Constitution, and ratified by the legislatures of ten States in 1791; the other amendments have been prepared in the same manner, the last one being ratified in 1870.

*What Officer announces to the people the ratification of an amendment to the Constitution?*

The action of State legislatures is transmitted to the Secretary of State; and when a sufficient number (three-fourths) of the legislatures of the several States have so

ratified, then the Secretary of State declares the amendment ratified.

For dates of ratification, see pp. 130-135.

#### STATE CONSTITUTION.

*How was the State Constitution prepared and ratified?*

The people of the State, by their delegates in convention, framed the constitution: the *people* voted directly for or against its ratification.

#### AMENDMENTS.

*How may Amendments be made to the State Constitution?*

Amendments to the State Constitution may be proposed in Senate and Assembly: and if the same shall be agreed to by a majority of the members elected to both houses, and by a majority of the members of both houses of the legislature that shall be chosen at the next *general election* of Senators; and if ratified subsequently by a majority of the electors qualified to vote, then the said amendment becomes a part of the Constitution.

#### CONSTITUTION OF ENGLAND.

*What is the Constitution of England?*

The English Constitution is not a *formal written* instrument, adopted by, and ratified by conventions, but is the accumulated growth of all English history. It is comprehended in no single enactment, nor in the enactments of any single reign. It is composed of all the great charters and statutes that have been enacted from time to time since the reign of John (1199 to 1216) with such customs and precedents as have the sanction of long usage.

The United States Constitution is but a collection

and epitome, of the various charters of freedom that lie scattered all along the pathway of English history, arranged by a convention and sanctioned by the people.

## SUMMARY.

*What is the United States Constitution?*

- I. The Constitution is the Supreme Law of the land.
- II. It is the great charter of our Liberties.
- III. It is the *Magna Charta* of the United States.
- IV. The people elected delegates to a National convention: the delegates in convention framed the constitution: it was then ratified by State conventions, composed of delegates chosen by the people,—hence the constitution *originated with the people*.

*Why was the Constitution made?*

- I. In order to form a more perfect Union;
- II. Establish justice;
- III. Insure domestic tranquillity;
- IV. Provide for the common defence;
- V. Promote the general welfare;
- VI. And secure the blessings of Liberty to ourselves and our posterity.

*When was it made?* See page 8.

*Where was it made?* See page 7.

## STATE CONSTITUTION.

*What is a State Constitution?*

- I. It is the great fundamental law of the State.
- II. It comes directly *from the people*, through their ratification, commencing with the following words:  
We, the people of the State of New York, grateful +

Almighty God for our Freedom, in order to receive its blessings, DO ESTABLISH THIS CONSTITUTION.

#### DIVISIONS AND POWERS OF GOVERNMENT.

*How many Divisions of Constitutional government in the United States?*

There are two divisions,—National and State.

*How many Powers has each division?*

Each division has three powers, namely: Legislative, Executive and Judicial. See chart, pages 14, 15.

#### STATUTE LAW.

*What is a Statute Law of Congress?*

A Statute Law of Congress is a written or printed instrument (called a bill) ordaining or forbidding something to be done, that has been adopted by a majority of both houses of Congress, and approved by the President.

The President's refusal to approve, is called a Veto; but a subsequent two-thirds vote of both houses will make it a Statute Law without the President's consent.

*What is a Statute Law of the Legislature of New York?*

It is a bill that has been adopted by a majority of both houses of the Legislature, and approved by the Governor, or passed over his veto.

NOTE.—Explain how a vetoed bill becomes a Statute Law. See page 57.

*What divisions of government have been organized by Statute Law?*

Congress organizes Territories and provides for their government (see page 72); admits new States (see page 71); organizes and controls the District of Co-



lumbia (see page 73); defines the judicial circuits and districts in the United States (see page xi).

The Legislature organizes counties; defines judicial, congressional, senatorial, and assembly districts in the State; incorporates cities and villages; authorizes the board of supervisors to form new towns, and the school commissioners to organize new school districts and to annul those already formed.

*Name some divisions in which the Three Powers of government seem to exist as in the State and Nation.*

The three powers seem to exist in School Districts, Towns, Counties, Cities, and Territories, as will be seen from the following

#### CHART.

NOTE.—Read from left to right in each division. The vertical column leading downward at the left names the Legislative powers in the different divisions. The second column names the Executive, the name placed first being the Chief Executive. The third column names the Judiciary. Figures indicate the number of officials in the office named.

### QUESTIONS FOR THE CHART.

#### SCHOOL DISTRICT.

*What are the powers of a School District?*

The Legislative, Executive, and Judicial powers exist in a school district.

NOTE.—Observe that the *Legislative* is placed in the first vertical column, the *Executive* in the second vertical column, the *Judicial* in the third vertical column through all the different divisions.

*How does it appear that the legal voters in a school district Legislate?*

They adopt resolutions appropriating money for the purchase of school house sites: for building a school house: for repairs: for apparatus and other school purposes: hence the voters of a school district are legislators.



<p><b>ENGLAND</b> (Unwritten Constitution).</p> <p><b>DIST. OF</b> (Organized under Statute Law).</p> <p><b>COL.</b> (Organized under Statute Law).</p>	<p><b>LEGISLATURE.</b> { Senate (82). Assembly (133).</p> <p><b>CONGRESS.</b> { Senate (76). House of Representatives (335).</p> <p><b>LEGISLATURE.</b> { Council (13). House of Representatives (36).</p> <p><b>NO LEGISLATURE.</b> Elective Franchise abolished in 1874.</p> <p><b>PARLIAMENT.</b> { House of Lords. Spiritual (80). Temporal (7). House of Commons (636).</p>	<p><b>GOVERNOR</b> and State Officers.</p> <p><b>PRESIDENT</b> and Cabinet (7).</p> <p><b>GOVERNOR.</b> Secretary. Auditor. Treasurer. Sup't of Common Schools.</p> <p><b>COMMISSIONERS (3).</b></p> <p><b>KING (or Queen), who rules through the Cabinet or Ministry; namely:</b> Prime Minister or Premier, Lord Chancellor, Lord Privy Seal, President of the Council, Home Secretary, Chancellor of the Exchequer, and others.</p>	<p><b>Court of Appeals (7). Supreme Court (46). Board of Claims (8). Attorney General. Court of Impeachment. (Senate and Ct. of Appeals, 30.)</b></p> <p><b>Supreme Court (9). Circuit Courts (9). District Courts (60). Court of Claims (5). Attorney General. Court of Impeachment. (Senate 70). Juries.</b></p> <p><b>Supreme Court (3). District Courts. Probate Courts. (In each County). Justices of the Peace. Juries.</b></p> <p><b>Supreme Court (6). Juries.</b></p> <p><b>Court of Chancery. Queen's Bench. Common Pleas. Exchequer. High Court of Justiciary. Circuit Courts in the Rural Districts.</b></p>
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*Who is the Chief Executive in a school district?*

The Trustee or Trustees, or Board of Education. See Chart.

NOTE.—The first officer in the Executive column is the CHIEF EXECUTIVE: the others are executive in their own departments.

*Who are the Judicial Officers in a school district?*

The School Commissioner, and the Superintendent of Public Instruction. Appeals from school district meetings, and the action of school district officers may be brought before them. See page 44.

*When are the Annual school meetings held in this State?* See page 30.

NOTE.—For the complete study of the school district see pages 27–33.

## TOWN.

*What are the powers of a Town?*

See Chart.

*Who are the Legislators in a town, and Why?*

The Legal Voters assembled in a legal town meeting: for they have power by a majority vote to appropriate moneys for the support of the poor; for building bridges in the town; for improvement of the roads, and for various other purposes.

*Who is the Chief Executive of a town?*

See Chart.

*Who are the Judicial Officers of a town?*

See Chart and page 34.

*When are the annual Town Meetings held in this State?*

See page 39.

NOTE.—For the further study of the Town see pages 34–39.

COUNTY.

*What are the powers of a County?*

See Chart.

*Who are the Legislators in a county, and Why?*

The Board of Supervisors: they can appropriate money for various purposes: the Legislature has conferred upon this board the power to enact certain laws,—among them to form new towns.

*How many members in the Board of Supervisors in your county?*

See pages 34 and 39.

*How many Supervisors in any county except New York and Kings?*

See pages 34 and 39.

*How many Supervisors in New York county?*

There are 41. See pages 34 and 39.

*How many Supervisors has Kings county?*

See pages 34 and 39.

*Who is the Chief Executive of a county?*

See Chart and page 42.

*Who are the Judicial Officers of a county?*

See Chart and pages 42, 43, 44, and 45.

NOTE.—For the further study of the County see pages 40-43.

CITY.

*What are the powers of a City?*

See Chart and pages 49, and 50.

STATE.

*What are the powers of a State?*

See Chart.

NOTE.—For the Legislature, see pages 51-60; for the Executive, see pages 61-66; for the Judiciary, see pages 75 ff.

*When was the first State Constitution framed?*

It was framed at Kingston, New York, in April, 1777, by delegates, representing the several counties of the State (only twelve counties then), in a convention called for that purpose.

NOTE.—The constitution was revised in 1801, 1821, 1846, 1866, and some sections proposed by the Legislature have been added at other times.

GEORGE CLINTON, of Orange Co., distinguished for his patriotism, public and private worth, was elected Governor, and held the office for six consecutive terms (18 years). Prior to 1823, the term of Governor was 3 years.

NOTE.—New York adopted a gradual emancipation act in 1790, and in 1817 another act was passed, declaring all her slaves free on and after July 4, 1827.

*Where was the First Seat of Government in this State?*

It was originally fixed at New York city. The Legislative department was then called the "General Assembly."

NOTE 1.—After the Revolution commenced, Gov. Tryon, Dec., 1776, ordered such records as related to the immediate interests of the Crown, to be removed to the armed ship, *Duchess of Gordon*, lying in New York Bay; and they remained there till Nov., 1781, when most of them were returned to the city of New York.

They were nearly ruined by being kept on shipboard for six years: the most valuable of them were re-written at a later date.

NOTE 2.—In June, 1776, the other records were removed to Kingston New York. The *first State Legislature* was in session in Kingston Oct., 1777. It hastily adjourned on the approach of the British who burned every house in the village but one; the records were taken to Rochester, Ulster Co., N. Y.

NOTE 3.—The Legislature held a session in Poughkeepsie, Jan., 1778. Sessions were afterward held in Poughkeepsie, Kingston, and Albany as suited convenience, until 1784, when it met in New York. Two sessions were afterward held in Poughkeepsie, and three in Albany.

In 1797, Albany became the permanent capital.

UNITED STATES.

*What are the powers of the United States?*

See Chart.

NOTE.—For the further study of the United States Congress see pages from 99 onward.

For the further study of the Executive, see pages 87-95. For the Cabinet see pages 95-98.

For the Judiciary see pages 75-86.

TERRITORIES.

*What are the powers of Territories?*

See chart and pages 72, 73.

*How many members in the Legislature of a Territory?*

Each Territory has thirteen members in its Council, and twenty-six members in its House of Representatives.

NOTE.—The Council is equivalent to our State Senate, the House of Representatives to our Assembly.

*What Officers of a Territory are elected by the people?*

See page 72.

*What Officers of a Territory are elected by the Territorial Legislature?*

See page 72.

*What Officers of a Territory are appointed by the President and Senate?*

See page 72.

DISTRICT OF COLUMBIA.

*What are the powers of the District of Columbia?*

It has two powers, namely: Executive and Judicial.  
See Chart.

*What Officers are Elected by the people in the District of Columbia?*

See pages 73 and 74.

*What Officers are Appointed by the President and Senate in the District of Columbia?*

See page 73.

#### ENGLAND.

NOTE.—England is placed in the Chart to show the similarity between its government and ours, and is intended more particularly for advanced students.

*What is the Constitution of England?*

It is unwritten, and is composed of all the great Charters and Statutes that have been enacted since the reign of King John, who left the throne of England, 1216, after reigning 17 years.

NOTE.—In the Valley of Runnymede, in the year 1215, King John was compelled to assent to the terms of the barons, and to sign the *Magna Charta*, the most remarkable instrument known in English history, of which the following are the most important sections:

*Section 45.* "No freeman shall be taken, or disseized, or outlawed, or banished, or anywise injured, nor will we pass upon him, nor send upon him, unless by the legal judgment of his peers, or by the law of the land."

*Section 46.* "We will sell to no man, we will not deny or delay to any man, right or justice."

In other sections "the royal prerogative was limited and defined; the rights of the Church guaranteed; the Feudal system relieved of some of its grievances; unlawful fines and punishments forbidden; the free disposal of personal property by will allowed; the means of obtaining a livelihood, such as the tools of the mechanic and the goods of the merchant were exempt from fine or forfeiture for crime; fines were to be proportionate to the offence; the Circuit Courts brought into the neighborhood of all; and the liberties and customs of free towns confirmed."

These provisions are to-day the basis and the bulwark of those rights and immunities that make England and America the freest countries on earth.

*How many powers in the Government of England?*

See Chart.

*Of what is the House of Lords composed?*

The House of Lords is composed of Lords spiritual and Lords temporal.



**NOTE 1.**—There are 30 Lords spiritual, namely, 26 of the Church of England, and 4 of the Irish Church. Of these, 4 are Archbishops, and 26 are Bishops.

**NOTE 2.**—The Lords temporal, in England, are hereditary, and their number varies. Their are 26 Irish nobles, and 16 Scottish nobles, who are elected by the nobility,—those from Ireland for life, and those from Scotland for a year.

*Who is the Speaker of the House of Lords?*

The Lord Chancellor, Lord Keeper of the Great Seal, is Speaker of the House of Lords.

*What is the House of Commons?*

The House of Commons consists of 658 representatives of counties, cities, boroughs, and some of the Universities as follows: England and Wales, 500; Ireland, 135; Scotland, 53.

*Where can Bills originate?*

All bills appropriating money must originate in the House of Commons (corresponding with our House of Representatives). Others may originate in either house.

**NOTE.**—Every bill must be read, and passed by a majority vote, three times in each house, and receive the royal signature before it can become a law.

*Who is the Speaker of the House of Commons?*

The House of Commons elects its own Speaker.

*Who can vote in England?*

Those citizens who occupy, as owner or tenant, any house or other building of the clear yearly value of not less than ten pounds sterling, provided they have paid the poor rates and assessed taxes, may vote for the members of the House of Commons.

#### JUDICIARY.

*By how many kinds of Law is justice administered in England?*

There are three kinds of law,—Common law, Statute law, and the law of Equity.

*What is Common law?*

Common law is based on custom, or precedents established by former decisions of the courts of justice.

*What is Statute law?*

Statute law consists of the acts of Parliament.

*What is the law of Equity?*

The law of Equity is administered by the Lord Chancellor, in cases not covered by Statute law, and where justice cannot be secured by Common law.

## DEFINITION OF DISTRICTS.

Officers are elected to administer the government for

- I. The United States.
- II. Each State.
- III. Counties.
- IV. Cities.
- V. Towns.
- VI. Districts.

The following are names given to some of the different kinds of districts in the State of New York.

- I. Road, School and Election Districts.
- II. School Commissioner Districts.
- III. Assembly Districts.
- IV. Senatorial “
- V. Congressional “
- VI. Judicial “

*Which are the smallest districts named?*

Road, School and Election districts.

*What is a Road District?*

A portion of a town placed under the charge of an officer, whose duty it is to see that the roads are kept in good condition.

*What is a School District?*

A portion of a town or city, placed under the care of officers, whose duties are to maintain a public school in and for the district.

*What is an Election District?*

A whole or part of a town, in which all the voting is done at one poll.

*What is a School Commissioner District?*

A whole or a portion of a county, under the jurisdiction of a school commissioner.

*What is an Assembly District?*

A whole or a portion of a county set off for the purpose of electing a "Member of the Assembly."

NOTE.—Fulton and Hamilton together form one district, and elect one member.

*What is a Senatorial District?*

A portion of a county, a whole county, or several counties combined for the purpose of electing a Senator; the amount of territory depending upon population.

*What is a Congressional District?*

A portion of a county, a whole county, or several counties combined for the purpose of electing a "Representative in Congress"; the amount of territory depending upon population.

*What is a Judicial District?*

One county (as in the case of New York), or several counties united for the purpose of electing Supreme Court Judges.

*Name the Civil Divisions in regular order, and tell what a combination of each forms.*

Road and school districts form towns; towns when united form counties; counties when united form a State, and also, in many instances, Senatorial, Congressional, and Judicial districts. States when united form a Union.

*How many States are there?*

There are 42.

*What is a County?*

One of the divisions of a State, separated from other divisions, empowered to elect certain officers for the administration of its own local affairs.

*How many Counties in New York State?*

There are 60.

*What is a Town?*

One of the divisions of a county, electing certain officers prescribed by law, and managing its own local affairs.

*How many Towns in New York State?*

In 1886 there were 942. See page xiii. The exact number can be found by consulting the almanacs that give the election returns.

*What is a City?*

An incorporated town, or a section containing a collective body of inhabitants, incorporated by the State legislature, which grants a charter prescribing its manner of government, and is controlled by a Mayor and Aldermen.

*How many Cities in the State of New York?*

In 1890 there are 30. See Table, page xiv.

*How many School Commissioner districts in New York State?*

There are 113.

*How many Assembly districts?*

There are 128. See page 53.

*How many Senatorial districts?*

There are 32. See page 52.

*How many Judicial districts?*

There are 8. See page xi.

*How many Congressional districts?*

There are 34. See page 101.

*How many School districts?*

There are about 12,000.

*How are counties Organized?*

By an act of the State Legislature.

*How are towns Formed?*

By an act of the board of supervisors.

*By Whom are school districts formed?*

Generally by the school commissioners; sometimes by special legislation.

*What Power defines the number of Assembly, Senatorial, and Judicial districts?*

The State Constitution.

*What Power decides upon the number of Congressional districts?*

The Congress of the United States.

## SCHOOL DISTRICT.

*What is a School District?*

*How many school districts in your town?*

*How many school districts in your county?*

*How many school districts in New York State?*

*What are the names of the officers in a school district?*

I. Trustee or trustees; or a board of education.

II. Clerk.

III. Collector.

IV. Librarian.

*What is the number of officials holding the same office at the same time?*

I. One or three Trustees, as a district decides. If a Board of Education, it may not be less than three nor more than nine.

II. One Clerk.

III. One Collector.

IV. One Librarian.

*What are the names of those districts in which there is a board of education?*

Union Free School Districts. These are allowed to have an additional officer, called a Treasurer.

*What is the term of office of each?*

I. If there be only one trustee, his term is one year.

II. If there be three trustees, the term is 3 years, one being elected each year; if the board of education con-

sists of six or nine members, the term is 3 years, one third of the number being elected each year.

III. Clerk, collector and librarian, each hold the office for one year.

*Who are eligible to school offices in this State?*

All voters, except as follows : No school commissioner or supervisor is eligible to the office of trustee, nor can either be a member of any board of education within his district or town ; and no trustee can hold the office of district clerk, collector, or librarian.

#### DUTIES.

*What are some of the Duties of school district officers?*

#### TRUSTEES.

I. To hold and keep district property for the use of the school.

II. To hire and pay a qualified teacher or teachers, and maintain a school for at least 32 weeks during the school year.

III. To make to the school commissioner an annual report between the 25th day of July and the first Tuesday in August in each year.

IV. To make out all district taxes and issue a warrant for their collection, etc., etc.

#### CLERK.

I. To record the proceedings of the district.

II. To give notice according to law of annual and special meetings.

III. To notify each person elected or appointed to office, and also to report their names and post-office address to the town clerk.



IV. To notify the trustees of every resignation accepted by the supervisor.

V. To keep and preserve all books, records, and papers belonging to his office, and to deliver the same to his successor, etc., etc.

#### COLLECTOR.

I. To collect all district taxes made out by trustees and placed in his hands.

II. To pay out the money as directed by their order.

NOTE.—He must give to the trustee a bond for the faithful performance of his duties in collecting and paying over all moneys so collected.

#### LIBRARIAN.

To have charge and supervision of the school district library.

#### SALARY.

*What is the Salary of these officers, and how paid?*

The collector alone is entitled to pay. He receives 1 per cent on all moneys collected during the first 14 days after advertising; after that time, 5 per cent.

*How shall we find hereafter that officers are paid?*

Some are paid a salary; some by the day; some by a fee; some by a per cent.

*What is meant by a Salary? a Fee? a Per Cent?*

#### NUMBER OF TRUSTEES.

*How can a school district having three trustees Change to one trustee?*

By adopting a resolution at any annual meeting, that the district shall have a sole trustee; when the terms of those in office shall have expired, the district shall elect a trustee annually.

*Can a district having a sole trustee Change Back and legally elect three?*

Yes. It may adopt a resolution by a *two-thirds* vote of all the legal voters present thereat, at an annual meeting, to have three trustees instead of one. It will then proceed to elect one for one year, one for two years, and one for three years, and thereafter one annually for a term of three years.

#### SCHOOL MEETINGS.

*When does the annual School Meeting take place?*

I. On the first Tuesday in August.

II. If a district contains three-hundred or more children of school age, the meeting for the election of *school district officers* must be held on the Wednesday following the first Tuesday in August, in each year, between the hours of 12 o'clock, noon, and 4 o'clock in the afternoon, at the principal school-house in the district, or at such other place as the trustee designates.

*How are Special school meetings called?*

By the trustees. The clerk or some other person, if the office be vacant or he refuses to act, must serve a notice upon each qualified voter at school district meeting, at least 5 days before the day of the meeting. Said notice must state the purpose for which it is called, and no other business can be transacted.

The inhabitants of any district may, by a resolution at an annual meeting, prescribe some other mode for calling special meetings, which shall continue in force until rescinded or modified at a subsequent annual meeting.

VOTERS AT SCHOOL MEETING.

*What are the Qualifications for voting at school meetings?*

There are four classes of persons entitled to vote at school meetings in this State.

1st. Every person of full age, who is a resident of the District, entitled to hold lands in this State, who either owns or hires real estate in the district liable to taxation for school purposes.

2d. Every resident of the district, who is a citizen of the United States, 21 years of age, and who is the parent of a child of school age, provided such child shall have attended the district school for a period of at least eight weeks within one year preceding.

3d. Every resident of the district, a citizen of the United States, 21 years of age, not being the parent, who shall have permanently residing with him or her a child of school age, which shall have attended the district school for a period of at least eight weeks within one year preceding.

4th. Every resident and citizen of full age, who owns any personal property assessed on the last preceding assessment roll of the town, exceeding fifty dollars in value exclusive of property exempt from execution.

In either class the voter may be male or female.

In the second class both father and mother are entitled to vote.

In the third class (cases of children residing with others than their parents) the phrase "him or her" in the statute must be held to limit the suffrage to one person only, and that the head of the household. Therefore, where husband and wife living together have such a child residing with them, the wife is not on that account entitled to vote, although she may be for other reasons.

VACANCIES IN SCHOOL DISTRICT OFFICES.

*How are Vacancies in school offices filled?*

I. The office of trustee may be filled (a) within 30 days by the district, by an election; (b) after 30 days by appointment by the School Commissioner.

II. Vacancies may be filled in the offices of clerk, collector, or librarian by appointment by the trustee.

SOME GENERAL PROVISIONS.

I. No person within two degrees of relationship to either of the trustees can be legally engaged to teach school, without the approval of two-thirds of the voters of the school district.

II. A teacher is deemed qualified by law, if he possesses a normal school diploma, or a State certificate (unannulled), or an unexpired certificate given by the school commissioner of the district in which he is to teach, or by the school officer of the city or village in which he is employed, authorized by special act to grant such certificate.

III. No person shall be deemed to be qualified to teach public schools who is under the age of 16 years. (Law of 1885.)

IV. No legal contract can be made with a person to teach school, unless said person is duly qualified by law by holding a certificate of qualification.

V. Trustees have sole power to hire teachers and determine the wages to be paid, without reference to a vote of the district.

VI. Whenever the school commissioner of a district shall certify in writing, that more than \$500 are necessary for building a new school house, the inhabitants may vote such sum as the commissioner approves of, and the trustees may legally levy the tax for the same. (Law of 1883.)

VII. Persons wilfully disturbing a school or school meeting or an assemblage of persons occupying a school house for the purpose of receiving instruction, shall forfeit \$25.00.

VIII. Trustees may permit the school house when unoccupied to be used for educational purposes, or for religious meetings; but if one of the three trustees objects to such use it can not be permitted.

IX. Trustees alone have the power to expel a pupil from school for habitual misconduct, or when afflicted with a contagious disease.

X. No school house is allowed to be built in this state until the plan, so far as ventilation, heating, and lighting is concerned, shall be approved in writing by the school commissioner in whose district such school house is to be built. (Law of 1883.)

XI. A sole trustee can hire a teacher for a term that commences before the expiration of his official term.

XII. A school tax for building or repairing may be raised in equal instalments: but the last one shall not extend beyond ten years from the time the vote was taken.

XIII. Trustees may be removed from office, for wilful neglect of duties, by the Superintendent of Public Instruction.

XIV. Trustees have the custody of the school house or houses and appurtenances.

XV. Trustees are authorized to prescribe a course of study in the school under their charge.

XVI. The official acts of two trustees, without notifying or consulting the third, are illegal and void.

#### SCHOOL MONIES.

I. The school commissioners must apportion the public money among their several districts, commencing on the third Tuesday of March in each year.

II. The State school moneys apportioned in 1885, were derived from the

following sources, and will not be changed much unless the Legislature should increase the State tax. For a full account of the sources and the distribution of these funds, see article in the *SCHOOL BULLETIN* for June, 1886.

From the United States Deposit Fund.....	\$ 75,000.
From the Common School Fund.....	170,000.
From the State School Tax.....	2,839,600.
	<hr/>
	\$3,084,600

III. Every school district in this State, in 1886, in which a school had been taught for 28 weeks the year previous by a qualified teacher,

Received as district quota for each teacher..	\$60.12.
For each pupil on average attendance.....	1.2565.
For each child of school age in the district....	0.4461.
Library money for each child of school age...	0.0800.

## LEGAL HOLIDAYS.

By common *consent* and *practice* some important days have been recognized by the people of this State and other States of the Union as holidays. The following dates show when holidays were recognized by *statute law* in the State of New York.

- |       |   |  |
|-------|---|--|
|       | { | January 1 (New Year's day).  |
|       | { | July 4 (Independence day).   |
| 1849. | { | December 25 (Christmas day).   |
|       | { | And any other day designated by the Governor of the State or the President of the United States for fasting or thanksgiving. |
| 1865. |   | February 22 (Washington's birth day).  |
| 1872. |   | Any general State election day.  |
| 1873. |   | May 30 (Decoration day).   |
| 1887. | { | The first Monday in September (Labor day).   |
|       | { | Every Saturday from 12 o'clock noon till 12 o'clock midnight.  |

## TOWN.

*What is a Town?*

*How many towns in your county?* See page — xiii.

*How many towns in New York State?* See page — xiii.

*When is the annual Town Meeting held?* See pages 89, 71..

*What Officers preside at a town meeting, to take and deposit the ballots offered?*

A majority of the justices of the peace of the town and town clerk constitute the board for receiving and canvassing the votes at a town meeting.

*What are the Names of the officers in a town, the Number of officials in each, and their Terms of office?*

- I. One Supervisor, elected for one year.
- II. One Town Clerk, elected for one year.
- III. Four Justices of the Peace, elected for four years.
- IV. Three Assessors, elected for three years.
- V. One or three Highway Commissioners, as the electors may determine; if one be elected, the term is one year; if three, the term is three years.
- VI. One or two Overseers of the Poor, as the electors may determine; term one year.
- VII. One Collector, elected for one year.
- VIII. Constables, not to exceed five; term one year.
- IX. One Game Constable; term one year.
- X. Three Excise Commissioners; term three years.
- XI. Three Inspectors of Election; term one year.
- XII. In some villages and cities a Sealer of Weights and Measures.

## DUTIES.

*What are some of their Duties?*

## I. SUPERVISORS.

I. To receive the school money belonging to the town, and pay it out by order of the trustees.

II. To receive other money belonging to the town, and disburse the same according to law.

III. To meet with the other supervisors of the county as a "Board of County Canvassers."

IV. To meet with the other supervisors of the county as a "Board of Supervisors"; to audit all lawful accounts against the county, make out the tax lists and cause them to be collected; and perform such other acts of legislation as the constitution and statute laws have conferred upon them.

## II. TOWN CLERK.

I. To keep the records of the town.

II. To keep in his custody such books and papers as belong to the town.

III. To act as clerk of the town meetings.

IV. To file such papers as properly belong to his office; and to perform the general clerical duties for the town.

## III. JUSTICES OF THE PEACE.

I. To be the judicial officers for the town.

II. To issue warrants for the arrest of persons accused of committing crimes, and also summonses for the purpose of bringing before them persons for trial in civil actions.

III. To take acknowledgment of conveyances, administer oaths, act as inspectors at the town meeting, etc.

IV. ASSESSORS.

I. To make an inventory of the real estate in the town, naming the number of acres owned by each person, and fixing upon the same a valuation in proportion to its worth.

II. To make an inventory of the personal property held by the several persons in the town, such as notes, mortgages, etc., which with the real estate forms the basis for taxes.

V. HIGHWAY COMMISSIONERS.

I. To have the care and general supervision of the highways and bridges.

II. To lay out new roads, when directed by a jury legally called for that purpose, and discontinue others when directed by the same authority.

III. To divide the town into districts, and appoint overseers for the same.

VI. OVERSEERS OF THE POOR.

To look after and provide for, either at home or in the county house, such as are in indigent circumstances.

VII. COLLECTOR.

I. To give a bond to the supervisor for double the amount to be collected, with one or more sureties for the faithful performance of his duties.

II. To receive the tax list and warrant, and collect the tax and pay it over as directed.

VIII. CONSTABLES.

III. To serve summonses issued by the justices.



II. To arrest and bring prisoners before a justice, and to have the custody of them.

II. To collect moneys upon executions, and if necessary to sell property to satisfy the same.

IV. To see that order is preserved in the community.

V. To attend the higher courts in their official capacity when directed by the sheriff.

#### IX. GAME CONSTABLE.

To look after and prosecute for the violation of the game laws.

#### X. EXCISE COMMISSIONERS.

To meet and act upon petitions asking for the privilege of selling spirituous liquors.

#### XI. INSPECTORS OF ELECTION.

I. To preside at the annual election, receive the votes legally presented, and deposit them in boxes prepared for that purpose.

II. To count the ballots at the close of the election, make a true statement thereof, and transmit it to the board of canvassers.

#### SALARY.

##### *How are these officers Paid?*

I. Supervisors receive \$3.00 per day for county services, and \$2.00 per day for town services. They are also entitled to extras for copying assessment roll at the rate of 3 cents a line for the first one hundred written lines; 2 cents a line for the second hundred lines; and 1 cent a line for all written lines in excess of that number. Also to 8 cents a mile for once going and returning from

their residences to where the sessions are held. Also to a percentage for paying out public school moneys.

II. Town clerks are paid by the day for services; also a fee for recording and filing papers.

III. Justices are paid mostly by fees; as officers of the town meeting they are paid by the day.

IV. Collectors receive a percentage for collecting the money.

V. Constables receive a fee, or a percentage, and for some services are paid by the day.

VI. Game constables receive a portion of the fine-money collected by reason of their prosecutions.

VII. All the remaining officers are paid for their services by the day.

*What must all these officers do before entering upon their duties?*

They must qualify; that is, take the oath of office.

*What is the Oath of Office?*

See State Constitution, art. XII, sec. I., page 183.

*Who can Administer the oath of office?*

I. The county clerk administers the oath to the justices of the peace.

II. A justice of the peace administers the oath to all other town officers, except inspectors of election.

III. The chairman of the inspectors of election administers the oath to the other inspectors, and one of the others in turn administers it to the chairman.

#### BONDS.

*What town officers must give Bonds for the proper discharge of duties?*

The supervisors, justices of the peace, highway com-

missioners, overseers of the poor, collector, constables, and excise commissioners.

## SUPERVISORS.

*How many Supervisors in the Towns of the State?*

As many supervisors as there are towns in the State.

*How many Supervisors in the Cities of the State?*

As many as there are wards in the several cities.

NOTE.—New York City elects 15 Aldermen at large, and 1 in each Assembly district. The Mayor, Recorder, and Aldermen constitute the "board of supervisors." Kings County elects 1 Supervisor at Large; he is president of the board, but has no vote except in a case of a tie.

*How many members in a "board of supervisors," in a county having 20 towns and a city with 11 wards?*

As many as there are towns in the county and wards in the city, or 31 members.

*Who are entitled to Vote for town, county, state, and national elective officers?*

See Art. II. Cons., page 158.

## TOWN MEETING.

The time for holding town meetings in a county is fixed by its board of supervisors.

All the towns in one county hold their annual town meeting on the same day, as designated by the board.

## VACANCIES IN TOWN OFFICES.

*How are vacancies in town offices filled?*

I. Any vacancy occurring in a town office may be filled by a special town meeting, upon the application of 25 legal voters of the town, if called by the Town Clerk within 8 days after said vacancy occurred.

II. After 15 days have passed without an election the Town Board may appoint.

NOTE.—The Town Board consists of the Supervisor, Town Clerk and Justices of the Peace.

## COUNTY.

*What is a County?*

*By what authority organized?*

*How many counties in this State?*

*When was the colony of New York first divided into counties?*

In 1683.

*How many counties were established in 1683, and what were their names?*

Ten: viz, Kings, Queens, Suffolk, New York, Richmond, Westchester, Dutchess, Albany, Ulster and Orange.

*What are these counties called?*

Original counties.

*When are the county officers elected?*

They are elected at the annual election which is held on Tuesday after the first Monday in November.

*What officers constitute the board for receiving, depositing, and counting the ballots at the annual election?*

Three persons called Inspectors of Election, elected at the preceding town meeting for that purpose, for each and every election district. Each board appoints 2 clerks who register the names of all persons voting.

*What are the Names of the county offices, the Number of officials in the same office, and their Term?*

I. One Sheriff for a term of 3 years.

**II. One County Judge, for a term of 6 years.**

**NOTE.**—In a few counties there are special judges; same length of term.

**III.** In counties containing more than 40,000 inhabitants a Surrogate may be elected; in counties containing less than 40,000 inhabitants, the county judge performs the duties of judge and surrogate. The term of the surrogates is 6 years.

**NOTE.**—In a few counties there are special surrogates.

**IV. One County Clerk, for a term of 3 years.****V. One Treasurer, for a term of 3 years.****VI. One District Attorney, for a term of 3 years.****VII. Four Coroners, for a term of 3 years.****VIII. One or three Superintendents of the Poor, for a term of three years.****IX. Two Justices of Sessions, for a term of 1 year.****X. One School Commissioner for each commissioner district, for a term of 3 years.**

*What about the Eligibility of these officers?*

**I.** The sheriff is prohibited from holding the same office for the next succeeding term, neither can he hold any other office at the same time. Const., Art. X., Sec. I., page 178.

**II.** No county judge can hold the office longer than the last day of December succeeding his 70th birthday. Art. VI, Sec. 13, page 163.

**III.** No person, except a counselor-at-law in the supreme court, can hold the office of district attorney, if there be such an one in the county; if there be none, then an attorney may be elected.

**IV.** Supervisors and county treasurers cannot hold the office of county superintendent of the poor.

V. No sheriff, under-sheriff, deputy, sheriff's clerk, or coroner can practise as counselor-at-law during his term of office.

VI. Justices of the sessions must be acting justices of the peace in their respective towns.

NOTE.—There are no other prohibitions in regard to age or re-election of county officers.

### DUTIES.

*What are some of their Duties?*

#### I. SHERIFF.

I. He is the executive officer of the county.

II. By himself or by his deputies, executes civil and criminal processes throughout the county.

III. Has charge of the jail and prisoners.

IV. Attends courts, and keeps the peace.

V. Must be present by himself or under-sheriff, at the drawing of jurors, and cause them to be legally summoned.

#### II. JUDGE.

I. He is the presiding officer in the County Court.

II. He may, with two justices of sessions, hold Courts of Sessions, with such criminal jurisdiction as the Legislature may prescribe.

III. The county judge of any county may preside at Courts of Sessions, or hold County Courts, in any other county except New York and Kings, when requested by the judge of such other county. Art. VI, Sec. 15, page 164.

#### III. SURROGATE.

I. Takes proof of wills of real or personal property.

II. Grants letters testamentary or administrative.

III. Attends generally to the settlement of the estates of deceased persons.

IV. COUNTY CLERK.

I. He is the clerk of the courts held in and for the county, namely: Circuit, Oyer and Terminer, County Court and Court of Sessions, and the Special Term.

II. Administers the oath to jurors and witnesses.

III. Records the judgments of the courts.

IV. Draws the grand and petit juries, and makes a return of the same.

V. Records mortgages, deeds, satisfaction papers, etc.

V. TREASURER.

I. Receives the moneys collected by the several town collectors for county and State taxes.

II. Pays over to the comptroller the amount going to the State.

III. Pays out the amount due the county, as directed by law.

IV. Receives from the comptroller the school money due the county, and pays the same over to the several supervisors, as directed by the school commissioner's certificate.

V. Makes a general statement of the financial affairs of his office to the board of supervisors, annually.

VI. DISTRICT ATTORNEY.

I. He is the attorney for the county.

II. Presents complaints made to him, accusing parties of crime, to the grand jury.

III. Draws "bills of indictment" when found by the grand jury.

IV. Tries indicted parties in the Oyer and Terminer, and Court of Sessions.

#### VII. CORONERS.

I. Look after and inquire into all matters concerning persons slain, or who have died mysteriously.

II. Summon a jury, subpoena witnesses, and ascertain as far as possible all the facts in regard to the death.

III. In case of a vacancy in the office of sheriff, and there being no under-sheriff, one of the coroners designated by the county judge, performs the duties of sheriff until said vacancy be filled by election or appointment.

V. Have power to arrest the sheriff upon criminal processes.

#### VIII. SUPERINTENDENTS OF THE POOR.

Have the general care of the county house; appoint persons to take charge of the same, and render an account annually to the "board of supervisors" of their doings.

#### IX. JUSTICES OF SESSIONS.

I. Sit upon the bench with the county judge in the Court of Sessions for the trial of such persons as have been indicted by a grand jury.

II. The law gives them just as much power in the decision of questions as the judge.

#### X. SCHOOL COMMISSIONERS.

I. Apportion the school moneys among the several districts in the county.

II. Make an annual report to the superintendent of public instruction, containing all the statistics embraced in the several reports from the trustees of their districts.



III. Visit and examine all the schools and school districts within their districts as often in each year as shall be practicable; inquire into all matters relating to the management, the course of study and mode of instruction, the text books used and the discipline of such schools.

IV. Examine persons proposing to teach public schools in their districts, in regard to their "moral character," "learning," and "ability to teach," and if they find them qualified, grant them certificates in the form prescribed by the superintendent.

V. Form new districts, or change the boundary lines of old ones.

VI. Organize at least once each year, or in concert with one or more commissioners in the same county, a "teachers institute," and induce, if possible, all the teachers in their districts to be present and take part in its exercises.

#### SALARIES.

*What are the Salaries of each of these officers, or how paid?*

##### I. SHERIFF.

I. Receives a fee on all papers served.

II. Receives a per cent on money collected on executions, and "Key fees" for prisoners.

##### II. JUDGE.

Receives a salary established by the legislature, varying in different counties according to population and business. See pages xii and 41.

##### III. SURROGATE.

I. Receives a salary, varying in different counties according to business. See pages xii and 41.

NOTE.—When the judge performs the duties of surrogate, the one salary suffices for all the duties performed.

II. The surrogate is entitled to a clerk.

#### IV. COUNTY CLERK.

I. Receives a fee for all papers recorded.

II. Receives a fee for administering oaths in court.

III. Is paid extra for copying or re-indexing old records.

#### V. TREASURER.

I. The county treasurer receives an annual salary fixed by the "board of supervisors."

II. The salary is established at least six months before his election.

III. The salary cannot be increased or diminished during his term of office.

#### VI. DISTRICT ATTORNEY.

I. Receives a salary fixed by the board of supervisors, when they resolve so to do.

II. Can try civil causes, when not engaged officially, receiving as his own the fees for the same.

#### VII. CORONERS.

I. For holding inquests they are entitled to a reasonable compensation, to be audited and allowed by the board of supervisors.

II. For performing sheriff's duties, they are entitled to same fees as sheriff.

#### VIII. SUPERINTENDENTS OF THE POOR.

Paid by the day, or a salary.

#### IX. JUSTICES OF SESSIONS.

\$3.00 a day.

## X. SCHOOL COMMISSIONERS.

I. A salary of \$1,000 a year, established by law.

II. Supervisors are required to audit and allow \$200 extra for expenses.

III. A majority of the supervisors of any school commissioner district may increase the salary of said school commissioner. Such increased salary must be levied upon the towns composing such commissioner district.

## OATH OF OFFICE.

*What must county officers do, before entering upon the duties of their office?*

Take the oath prescribed by State Constitution in Art. XII, Sec. I, page 201.

*What county officers are required in addition to the oath prescribed to execute a bond for the faithful performance of their duties?*

Sheriff, county treasurer, surrogate and county superintendents of the poor.

*Who administers the "oath of office" to the county officers?*

The county clerk.

*In case of the re-election of the county clerk, before whom can he qualify?*

The county judge.

*Where are these oaths of office and bonds recorded?*

In the county clerk's office.

*Who is the sheriff of this county?*

*Who is the present judge; and what is his salary?*

*Is there a separate officer as surrogate, and why?*

*Who is the county clerk?*

*Who is the county treasurer?*

*Who is the district attorney?*

*Who are the coroners?*

*Who are the superintendents of the poor?*

*Who are the justices of sessions?*

*Who are the school commissioners?*

#### VACANCIES IN COUNTY OFFICES.

*How are vacancies in County Offices filled?*

I. Vacancies in the offices of County Judge, Surrogate, Sheriff, District Attorney, and Coroners are filled by the Governor.

II. Vacancies in the office of County Treasurer, and Superintendents of the Poor are filled by the Board of Supervisors.

III. Vacancy in the office of School Commissioner is filled by the County Judge.

## CITY.

*What is a City?*

*By what authority Organized?*

By an act of the Legislature.

*What instrument defines its Powers?*

A Charter, which is an instrument granted by the legislature, defining the city's rights and privileges.

*What are the Divisions of a city called?*

Wards.

NOTE.—For list of the cities in New York State, when incorporated, and the number of wards in each, see Table, page xiv.

*How populous must a village be, before it can be incorporated as a City?*

No definite number is required; whenever a large proportion of the voters desire it, the legislature will grant a city charter.

NOTE.—The constitution of Pennsylvania says, "Cities may be chartered whenever a majority of the electors (voters) of any town or borough having a population of at least 10,000 inhabitants, shall vote at any election for the same."

*What is the Executive Officer of a city called?*

The Mayor. His term of office is one year, unless otherwise ordered by the charter, as in New York, and some other cities, where it is two years.

*What other important officers are elected?*

Aldermen and Supervisors; one each in every ward, unless otherwise ordered by the charter.

*What officers form the Common Council?*

The mayor and aldermen. They are the legislative body of the city, and have authority to appoint police officers.

*What Courts exist in cities in addition to those established for the State at large?*

I. The Superior Court of the city of New York.

II. The Court of Common Pleas for the city and county of New York.

III. The Superior Court of Buffalo.

IV. The City Court of Brooklyn. Const., Art. VI., Sec. 12, page 182.

## STATE.

*Upon what is the State government based?*

Upon a Constitution adopted by the people.

*When and where was the first State constitution framed?*

*How many Departments are provided for by the constitution?*

Three; the Legislative, Executive, and Judicial.

*What are the Divisions of the Legislative department?*

The Assembly and the Senate.

*What is the number of members in each body, and their term of office?*

128 members of the Assembly, elected for one year;  
32 senators elected for two years.

See Art. III., Const., pages 160-167.

*When, and how is the number of members of the Assembly apportioned among the several counties?*

Once in 10 years by the Legislature, immediately after taking the State census, and as nearly as can be, according to population, excluding aliens; but giving to every county except Hamilton at least one member.

*When and how is the number of members of the Senate apportioned in the State?*

At the same time, by the Legislature; and as nearly as possible according to population. A Senatorial district sometimes embraces a portion of a county; sometimes a whole county; at other times two or more

counties; but no county can be divided, unless it can be equitably entitled to two or more members.

The following apportionment was made in 1879:

SENATE DISTRICTS.

I. Queens and Suffolk.

II. Wards 1, 2, 5, 6, 8, 9, 10, 12, 22 of Brooklyn, and the towns of Flatbush, Gravesend, and New Utrecht.

III. Wards 3, 4, 7, 11, 13, 19, 20, 21, 23 of Brooklyn.

IV. Wards 14, 15, 16, 17, 24, 25 of Brooklyn, and New Lots and Flatlands.

V. Richmond, Wards 1, 2, 3, 5, 6, 8, 14, and parts of 4 and 9 of New York, and Governor's, Bedloe's, and Ellis Islands.

VI. Wards 7, 11, 13, and part of 4 of New York.

VII. Wards 10, 17, parts of 15, 18, 21 of New York.

VIII. Wards 16, parts of 9, 15, 18, and 20 of New York.

IX. Wards 18, 19, 21, lying east of Third Avenue, New York, and Blackwell's Island.

X. Parts of wards 12, 19, 20, 21, 22, of New York, and Ward's and Randall's Islands.

XI. Wards 23, 24, and parts of 12, 20, and 22, of New York.

XII. Westchester and Rockland.

XIII. Orange and Sullivan.

XIV. Ulster, Schoharie, and Greene.

XV. Dutchess, Columbia, and Putnam.

XVI. Rensselaer, and Washington.

XVII. Albany.

XVIII. Saratoga, Fulton, Hamilton, Montgomery, and Schenectady.



- XIX. Clinton, Essex, and Warren.
- XX. St. Lawrence, Franklin, and Lewis.
- XXI. Oswego, and Jefferson.
- XXII. Oneida.
- XXIII. Madison, Otsego, and Herkimer.
- XXIV. Delaware, Chenango, and Broome.
- XXV. Onondaga and Cortland.
- XXVI. Cayuga, Tompkins, Seneca, and Tioga.
- XXVII. Chemung, Steuben, and Allegany.
- XXVIII. Wayne, Ontario, Schuyler, and Yates.
- XXIX. Monroe, and Orleans.
- XXX. Wyoming, Genesee, Livingston, and Niagara.
- XXXI. Erie.
- XXXII. Cattaraugus, and Chautauqua.

## THE ASSEMBLY.

Allegany, Broome, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Essex, Franklin, Fulton and Hamilton, Genesee, Greene, Herkimer, Lewis, Livingston, Madison, Montgomery, Ontario, Orleans, Putnam, Richmond, Rockland, Schenectady, Schoharie, Schuyler, Seneca, Suffolk, Sullivan, Tioga, Tompkins, Warren, Wyoming, Yates, have each 1 district, except Fulton and Hamilton which are united in one district.

Cattaraugus, Cayuga, Chautauqua, Dutchess, Jefferson, Niagara, Orange, Oswego, Otsego, Queens, Saratoga, Steuben, Wayne, Washington, have each 2 districts.

Monroe, Oneida, Onondaga, Rensselaer, St. Lawrence, Ulster, and Westchester have each 3 districts.

Albany has 4 districts.

Erie has 5 districts.

Kings has 12 districts.

New York has 24 districts, or nearly one-fifth of the entire Assembly.

In all there are 128 assembly districts, each electing one member of the Assembly.

*What must be done in those counties that are entitled to two or more members?*

The "boards of supervisors" of such counties, except the city and county of New York, must divide their respective counties into Assembly districts; the number of districts being equal to the number of members heretofore apportioned by the Legislature to these several counties; the territory must be contiguous, and no town may be divided in the formation of districts.

*By whom is the city and county of New York divided into Districts?*

By the "board of aldermen"; they meet for that purpose at such time as the Legislature shall designate.

#### ELIGIBILITY.

*Who are Eligible to the Legislature?*

The requirements are these:

I. The candidate must be 21 years of age.

II. He must not be at the time of election, nor have been within 100 days previous thereto, a member of Congress, a civil or military officer under the United States, or any officer under any city government.

III. Should any person after his election to the Legislature be elected or appointed to any of the offices just named, his acceptance thereof will vacate his seat in the Legislature.

#### DUTIES.

*What are some of the duties of the members of the Assembly?*

**I. To take the oath of office.**

Art. XII, Sec. I, Const., page 201.

**II. To organize by electing their presiding officer, who is called the Speaker, and who must be one of their number.**

**III. To elect also the other officers, viz: a Clerk, Sergeant-at-Arms, Door-Keeper, and two assistant Door-Keeper; persons not members of their body.**

**IV. To have co-ordinate jurisdiction with the Senate in the enactment of laws.**

**V. To prefer charges against officers for misconduct in office, which is called Impeachment.**

**ORGANIZATION.**

*Who calls the Assembly to order for the purpose of Organisation?*

The Clerk of the last Assembly.

*Who furnishes the Clerk with an official list of the members elect?*

The Secretary of State.

*By whom is the Oath of Office administered?*

Usually by the Secretary of State. The oath may, however, be taken previously, before any Justice of the Supreme Court, the Attorney-General, the Lieutenant-Governor, any Judge of a County Court, the Mayor or Recorder of any city, or the Clerk of any county or Court of Record. The oath whenever taken must be duly subscribed, certified, and filed in the office of the Secretary of State. Members who are absent at the organization, may be sworn by the Speaker, if they have not previously taken the oath.

*By whom are the other officers Appointed?*

By the Speaker, except those in the department of

the Clerk, he having power to appoint his own deputies.

#### THE SENATE.

*Who is the Presiding Officer in the Senate?*

The Lieutenant-Governor; he is called the President of the Senate.

#### DUTIES.

*What are some of the Duties of the State Senate?*

I. To elect the remaining officers, whose names and duties are about the same as in the Assembly.

II. To have co-ordinate jurisdiction with the Assembly in enacting laws.

III. To act as a court for the trial of impeachments, associated with the judges of the Court of Appeals, and the President of the Senate.

IV. To confirm or reject appointments made by the Governor.

V. To elect a temporary president when the Lieutenant-Governor shall not attend as president, or shall be called to act as Governor.

*How many members must be present in each house to do business?*

A majority, which is called a Quorum.

#### BILLS.

*Where may bills Originate?*

Any bill may originate in either house of the Legislature.

*What is the Difference in this respect between the Legislature of this State and Congress?*

In Congress all bills for raising revenue must originate in the *House of Representatives*.

*What may either house do with bills originating in the other house?*

Amend them; but both houses must agree to the amendment or amendments, before they become a law.

*What is required in order that a bill may become a Law?*

I. The assent of a majority of all the members elected to each branch of the Legislature, together with the approval of the Governor.

II. Or if he disapproves of it, it must be returned to the house in which it originated, with his objections; and, after reconsideration, if two-thirds of all the members elected to that house shall agree to pass the bill, it shall be sent to the other house, by which it shall likewise be re-considered, and if two-thirds of all its members approve of it, it shall become a law notwithstanding the objections of the Governor.

III. If any bill shall not be returned by the Governor within 10 days (Sundays excepted) after it shall have been presented to him, it shall become a law in like manner as if he had signed it, unless the Legislature, by adjourning, shall prevent its returning; in which case it shall not become a law without the signature of the Governor.

IV. No bill shall become a law after the final adjournment of the Legislature, unless approved by the Governor within 30 days after such adjournment.

#### IMPEACHMENT.

*What class of persons can be tried in the Court of Impeachment?*

Public officers that have had charges preferred against them by the Assembly.

*Of whom is the Court of Impeachment composed?*

Of the Senators, or a majority of them, the Judges of the Court of Appeals, or a majority of them, and the Lieutenant-Governor; and two-thirds of all present must concur in order to convict.

*When shall the Lieutenant-Governor not act as a member of this court?*

When the Governor is being tried. He may be presumed to be an interested party, for if the Governor should be found guilty and be removed, the Lieutenant-Governor would become Governor.

*What Penalty can be inflicted by this court?*

Removal from office, or removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under this State.

*Can such parties be further Punished?*

Yes; they may be indicted, tried, and punished according to law, by fine or imprisonment, or both, according to the nature of the crime.

#### VOTING.

*Who are entitled to Vote upon all questions in the Legislature?*

All the members in the Assembly and Senate; this includes the Speaker of the Assembly.

*When is the President of the Senate entitled to vote?*

Upon questions on which the Senate is equally divided or tied.

*Why should not the President of the Senate have a vote on all questions?*

Because he has not been elected a member of that body: but becomes its presiding officer by virtue of the

constitutional provision which makes the Lieutenant-Governor its president. But a member of the Senate elected president thereof is always entitled to a vote.

## KINDS OF VOTING.

*Name some of the kinds of voting practised.*

I. By showing hands.

II. Ay acclamation, or ayes and noes.

III. By dividing or separating the persons voting into two bodies.

IV. By Ballot.

V. By yeas and nays.\*

VI. By Viva Voce.

*Where are the first three kinds of voting usually practised?*

In conventions of different kinds, primary meetings, etc.

*Where is the fourth kind of voting practised?*

Usually in the election of officers of different kinds.

*Where is the fifth kind of voting used?*

Usually in the legislature and some other deliberative bodies, and in this way: the names of the persons entitled to vote are arranged alphabetically, and as the clerk calls the roll each member responds yea or nay as he wishes to vote for or against the bill or resolution.

*When and how is the sixth kind of voting used?*

In the election of a United States Senator, usually of the Speaker of the Assembly, and of a few other officers; and in this way: as the names of those entitled to vote are called, they respond by naming their candidate.

## SALARY.

*How are Assemblymen and Senators paid?*

I. By a salary fixed by the constitution, of \$1,500.

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\* See Worcester's Dictionary under "Yea."

II. And \$1.00 for every 10 miles travelled in going to and returning from the place of meeting, once in each session on the most usual route.

III. Senators when convened in extraordinary session, or when serving as members of the Court of Impeachment, and such members of the Assembly, not exceeding 9 in number, as shall be appointed managers of an impeachment, shall receive \$10.00 a day additional allowance.

#### TABULAR VIEW.

A tabular view of the officers, showing the source from whence they derive their authority.

Elected by the people of the State.	Executive	{ Governor.
	Presiding Officer	{ Lieutenant Governor.
	Administrative	{ Secretary of State.
		{ Comptroller.
		{ Treasurer.
{ Attorney General.		
	{ State Engineer and Surveyor.	
	Judicial	{ Judges of the Court of Appeals.

Appointed by Governor and Senate.	Superintendent of Banking.
	Superintendent of Insurance.
	Railroad Commissioners.
	Superintendent of Prisons.
	Superintendent of Public Works.
	Notaries Public.
	State Assessors.
	Loan Commissioners.
	Board of Claims.
	Quarantine Commissioners.
	Trustees of State Institutions, and some others.



Elec. by  
joint bal. { Superintendent of Public Instruction.  
                  { Regents of the University.  
                  { United States Senators.

*What are the first seven offices called?*

They are called Elective Offices.

*Why Elective?*

Because the officers are voted for directly by the people.

*Why are the Secretary of State, Comptroller, Treasurer, etc., called Administrative?*

Because they assist the Governor in the administration and enforcement of the laws.

*What are the Superintendents of Banking, Insurance, etc., called?*

They are called Appointive Officers.

*Why Appointive?*

Because these offices are filled by appointment by the Governor subject to ratification by the Senate.

*What is meant by being elected in Joint Ballot?*

Both houses (that is, Senate and Assembly) vote together as one body.

*How many Officials in the offices just named?*

One of each of the following: Gov., Lieut. Gov., Sec. of State, Comp., Treas., Atty. Gen., State Eng. and Surveyor; seven Judges of the Court of Appeals; three Railroad Commissioners; one Sup't each of Banking, Insurance, Prisons, and Public Works; three State Assessors; a large number of Notaries; two Loan Commissioners for each county; three members Board of Claims; one Superintendent of Public Instruction; and nineteen Regents.

## TERMS OF OFFICE.

*For how long a term are the Governor and Lieutenant-Governor elected?*

For 3 years.

*For how long a term are the Sec. of State, Comp., Treas., Atty. Gen., and State Eng. and Surveyor elected?*

For 2 years.

*For how long a term are the Superintendents of Banking and Insurance appointed?*

For 3 years.

*For how long a term are the Superintendent of Prisons and Railroad Commissioners appointed?*

For 5 years.

*For how long a term is the Superintendent of Public Works appointed?*

As long as the term of the Governor appointing him lasts.

*For how long a term are the Superintendent of Public Instruction and State Assessors appointed?*

For 3 years.

*For how long a term the Regents of the University?*

For life.

## ELIGIBILITY.

*What about the Eligibility of these officers?*

The Governor and Lieutenant Governor must be 30 years of age, and must have been for the 5 years next preceding their election residents of the State.

## DUTIES.

*What are some of the Duties of the Governor?*

He is commander-in-chief of all the military and naval forces of the State; has power to convene the Legislature (or Senate only) on extraordinary occasions; communicates by message to the Legislature at every session the condition of the State, and recommends such measures as he deems expedient; transacts all necessary business with the officers of the government, civil and military; expedites all measures resolved upon by the Legislature; takes care that the laws are faithfully executed; and has the power of granting reprieves, commutations and pardons for crime.

*What are some of the duties of the Lieutenant Governor?*

He is President of the Senate and has the casting vote therein; is a member of the Canal Board; is one of the commissioners of the Land Office; is one of the commissioners of the Canal Fund; is one of the trustees of the Capitol; is one of the trustees of the Idiot Asylum; and, *ex-officio*, one of the Regents of the University, and member of the State Board of Charities. If the Governor dies, resigns, is impeached, or otherwise becomes unable to discharge the powers and duties of his office, they devolve upon the Lieutenant Governor for the residue of the term.

*What are some of the duties of the Secretary of State?*

He is the keeper of the record books and papers belonging to the State; receives and records all pardons, and other executive and legislative acts, election returns, etc.; furnishes certified and printed copies to the United States, State and County officers, and other persons authorized to receive the same; supervises the printing of the laws passed each year; reports annually to the Leg-

islature statistics of pauperism and crime, and other information called for. He is a member of the Canal Board, a commissioner of the Land Office, a member of the Board of State Canvassers and of the Board of State Charities, a Regent of the University, a trustee of the Capitol, of the State Hall, and of the Idiot Asylum.

*What are some of the duties of the Comptroller?*

He superintends and manages the fiscal concerns of the State; reports to the Legislature its annual revenues, expenditures and estimates; audits, examines and settles accounts due to or from the State; directs and superintends the collection of taxes and other moneys; draws warrants on the Treasurer for the payment of debts due by the State; negotiates temporary loans, if necessary to meet the demands against the State; countersigns and registers all Treasurer's checks and receipts. He is a member of the Canal Board, a commissioner of the Land Office and of the Canal Fund, a member of the Board of State Canvassers, a trustee of the Capitol, the State Hall and the Idiot Asylum, and a member of the State Board of Charities.

*What are some of the duties of the Treasurer?*

He has charge of all the moneys paid into the State Treasury; pays drafts upon the warrants of the Comptroller, the Auditor of the Canal Department and the Superintendent of the Bank Department; and keeps the State's Bank account. He is commissioner of the Land Office, and of the Canal Fund, a member of the Canal Board, and of the Board of State Canvassers.

*What are some of the duties of the Attorney General?*

He defends and prosecutes all suits in which the State

is interested; receives costs adjudged to the State; prepares drafts of contracts, etc., for State officers, and prosecutes in their behalf persons violating the laws in regard to their departments; prosecutes criminals in the Oyer and Terminer Court when required by the Governor or Justices of the Supreme Court. He is commissioner of the Land Office and of the Canal Fund, a member of the Canal Board, the Board of State Canvassers, the Board of State Charities, and a trustee of the Capitol and State Hall.

*What are some of the duties of the State Engineer and Surveyor?*

He prescribes the duties of and assigns divisions of canals to, engineers; visits and inspects canals; prescribes surveys, maps, plans, estimates, etc., in the construction and improvement of a canal; is a member of the Canal Board, of the State Canvassers, a commissioner of the Land Office, and a trustee of the State Hall.

*What are some of the duties of the Superintendent of Banking?*

He has the general supervision of the banks of the State, and reports their condition annually to the Legislature; issues circulating notes to banks on their depositing securities, holding their stocks and mortgage securities, and when a bank proves insolvent sells them and redeems its circulation.

*What are some of the duties of the Superintendent of Insurance?*

He has the general supervision of all insurance companies transacting business in the State, and reports their condition annually to the Legislature.

*What are some of the duties of the Board of Claims?*

Two of the three members must be practising attorneys and counselors in the Supreme Court. They have

jurisdiction to hear, audit, and determine all private claims against the State; and also the claims of the State against any person making a claim against the State; and make an award thereof.

*What are some of the duties of the Superintendent of Prisons?*

He has general supervision of the prisons; appoints the keepers and other officers therein.

*What are some of the duties of the Superintendent of Public Works?*

He has charge of the Public Works, of the construction of new canals, etc.; reports annually to the Legislature.

*What are some of the duties of the Superintendent of Public Instruction?*

He has general superintendence of the public schools; inquires into their management; advises and directs in regard to their course of instruction and discipline. He apportions and distributes the public moneys; examines the supplementary apportionment made to all the districts by the school commissioners, and sees that to each district is set apart its proportionate share, and that the same is expended by the trustees and paid by the supervisor according to law. He decides all appeals involving school controversies that are brought before him; has the general management of teachers' institutes; makes appointments of State pupils to the institutions for the instruction of the deaf and dumb, and the blind, upon the certificate of the proper local authorities, and he visits and inquires into the condition and management of these institutions; is chairman of the committee of the State Normal Schools, and appor-

tions among the counties the number of pupils to which each is entitled; has charge of the Indian schools; is, *ex-officio*, a Regent of the University; compiles the commissioners' abstracts of school districts in the State, setting forth their condition and the account of receipts and expenses for each year; and makes an annual report to the Legislature.

*Of what officers is the Canal Board composed?*

The Lieutenant Governor, Secretary of State, Comptroller, Treasurer, Attorney General, State Engineer and Surveyor, and Canal Superintendent.

*What is the Railroad Commission?*

I. The Governor and Senate appoint three persons who are called Commissioners. One is selected from each of the two political parties having the highest number of votes at the election in 1882. The other, upon a recommendation of a majority of the following named: "Chamber of Commerce of the State of New York"; "The New York Board of Trade and Transportation"; "The National Anti-Monopoly League of New York."

They hold their offices for 5 years.

II. Their principal office is in Albany, and they meet there at least once each month during the year.

III. They have general supervision over all the railroads; investigate the cause of any accident resulting in loss of life; examine books, suggest changes in regard to management, rates, transportation of freight, etc. If their suggestions are not complied with, they report the same to the Attorney General, and also to the Legislature.

*What are the Salaries of these officers?*

They are as follows:

Governor .....	\$10,000
Lieutenant Governor.....	5,000
Secretary of State.....	5,000
Comptroller.....	6,000
Treasurer.....	5,000
Attorney General.....	5,000
State Engineer and Surveyor.....	5,000
Superintendent of Banking.....	5,000
Superintendent of Insurance.....	7,000
Superintendent of Prisons.....	6,000
Superintendent of Public Works.....	6,000
State Assessors.....	2,500
Board of Claims.....	5,000
Superintendent of Public Instruction.....	5,000

#### STATE CANVASSERS.

*Who are the State Canvassers?*

Secretary of State, Comptroller, Treasurer, Attorney General, and State Engineer and Surveyor.

#### POLITICAL HISTORY.

##### MISCELLANEOUS QUESTIONS.

(SEE TABLE, PAGE VII.)

*How many Governors of New York afterwards became Presidents of the United States?*

*What person has served the most years as Governor of New York: and how many years?*

*How many Governors have been re-elected?*

*Who was Governor during the war with England?*

*Who was Governor during the war with Mexico?*

*Who were Governors during the Civil war?*



*Who was Governor, as well as the great mover in building the Erie Canal? When commenced and when finished?*

NOTE 1.—*The Erie Canal* was contemplated and an act passed by the Legislature, in 1817, for its construction. It was built by sections; the first being completed between Rome and Utica. The first boat passed between those places in 1819, carrying Governor Clinton, Chancellor Livingston, General Van Rensselaer, and other distinguished citizens who had been instrumental in its construction.

Its original cost was \$8,000,000 and it was finished in 1825. The first flotilla of boats left Buffalo, October 26, of that year. It arrived at New York, November 4, and was received by a large concourse of people, who proceeded to a place near Sandy Hook, where Governor Clinton poured into the briny deep a keg of fresh water which had been brought from Lake Erie, thus signaling the marriage of the great lakes with the Atlantic Ocean.

It was enlarged and completed in 1862, at an additional expense of \$32,000,000: the total cost being \$40,000,000.

NOTE 2.—*U. S. Senators from New York.*—In the Constitution of the United States, Article 1, Section 3, Clause 2, the classification of the Senators in the *First Congress*, their term of office, etc., is fully stated, but the *manner* of their classification is more fully explained on page 106. The table on page ix gives the names and date of election or appointment of all the Senators from this State, from 1789 to the present time, and will be very convenient for reference.

Philip Schuyler was drawn in the *first class*, and Rufus King in the *third class*; consequently Philip Schuyler's *first term* was *two years*, and Rufus King's *first term* was *six years*.

The star at the left hand of a date indicates the close and commencement of a full term after the expiration of the first term. The names between the stars represent Senators who have been appointed by Governors during a vacation of the Legislature, or those who have resigned or were appointed or elected to fill vacancies.

The full term always commences March 4, and in odd years.

Martin Van Buren, Wm. L. Marcy, and Silas Wright resigned their Senatorial office upon being elected to the office of Governor of the State.

## QUESTIONS.

*How many of the Senators from New York served a full term or more?*

*Who were the first and who are the present Senators?*

*Who were in the Senate from this State at the time of the war with England? the war with Mexico? the Civil War?*

*Who were in the Senate from this State at the time of the Louisiana Purchase? the Florida Purchase? the Annexation of Texas?*

*the acquisition of California? the acquisition of New Mexico? the Gadsden Purchase? the purchase of Alaska?*

NOTE.—Multiply questions in which these officials have been connected with the great events of this country.

### ELECTIONS.

*How can Officers be Changed?*

Officers can be changed at the close of their official terms by the same power that made them officers.

I. Elective officers can be changed by the will of the legal voters expressed in their ballot.

II. Appointive officers can be changed by the person who appointed them, or by his successor in office.

III. Officers can be removed by impeachment, or for misconduct or malfeasance in office.

### EXAMPLES.

I. School district officers can be changed by a majority or plurality vote, at an annual school meeting, as soon as their terms of office expire.

II. Town officers can be changed by majority or plurality vote, at an annual town meeting, preceding the close of their terms of office.

III. County and State officers can be changed by a majority or plurality vote at the annual election preceding the close of their term of office.

### MAJORITY AND PLURALITY.

*What is meant by Majority and Plurality in an election?*

When two candidates *only* are being voted for, for the same office, the person having more than one-half of the votes has a *majority*: when three persons or more are being voted for, for the same office, the person having the *greatest* number of votes has a *plurality*.\*

Majority means more than one-half.

Plurality means more than anyone else.

NOTE. 1.—At the Presidential election in 1884, Mr. Cleveland received 4,874,118 votes; Mr. Blaine received 4,849,880 votes; Mr. Butler, 184,948 votes; Mr. St. John 149,326 votes. Mr. Cleveland received a *plurality* of the popular vote, and a *majority* of the electoral vote. A *majority* of the electoral vote is required to elect a president,—without it the election goes to the House of Representatives. See the elections of 1801 and 1825, p. vi.

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\* A candidate may have a majority over two or more opponents.

**NOTE 2.**—In New York a plurality vote elects in State, county, town, and district.

At the State election in 1885, Mr. Hill, for Governor, received 501,465 votes; Mr. Davenport received 490,381 votes; Mr. Bascom, 30,867 votes. Mr. Hill received a *plurality* of the votes, and was elected.

#### TOWN MEETINGS AND ELECTIONS.

*When are Town Meetings held in New York?*

Between the first Tuesday in February and the first Tuesday in May, as required by statute law: the day is named by the board of supervisors. See page 16.

*When is the New York State election held?*

On the Tuesday following the first Monday in November in each year; twenty-three other States hold their annual elections on that day.

*When is the Presidential election held?*

The Presidential election is held every *Leap Year*, in all the States, on the Tuesday following the first Monday in November.

**NOTE.**—Congress enacted a law, January, 1845, declaring that the Presidential election should be held in *all the States*, on the Tuesday following the first Monday in November, in the year in which a President is to be elected.

#### NEW STATES.

*How are States admitted into the Union?*

I. New States are usually made from Territories, and are admitted by an act of Congress.

II. Territories *may* or *may not* have the number of inhabitants which constitutes the ratio for one Representative (at present 154,000). Congress has not always required it for admission.

III. A Territory adopts its own State constitution, and when admitted comes in under that constitution.

IV. West Virginia was not a Territory; but the inhabitants of forty counties in the north-western part of Virginia repudiated the secession convention, held at Richmond, and organized a government of their own. They adopted a constitution, and this district was admitted by Congress as a State in 1862.

#### TERRITORIES.

*What can you say about Territories?*

I. Territories are organized by an act of Congress, defining their boundaries.

II. The chief executive officers are a Governor and a Secretary, appointed by the President with the consent of the Senate, for a term of four years.

III. An Auditor, Treasurer, and Superintendent of Common Schools, are elected by the Territorial Legislature for two years.

IV. The Legislature consists of a Council and House of Representatives, elected by the people, by districts, for two years, and their sessions are usually biennial.

V. The Judicial power is vested in a Supreme Court, District Courts, Probate Courts, and Justices of the Peace.

VI. Each Territory is divided into three judicial districts, and the Supreme Court thereof consists of a Chief Justice and two associates, appointed by the President for a term of four years; its jurisdiction is *appellate*.

VII. A District Court with general *original* jurisdiction is held in each judicial district in a Territory by a Justice of the Supreme Court.

VIII. There is a Probate Court for each county, the

judges being elected by the people for a term of two years.

IX. Justices of the Peace are elected, and have jurisdiction over minor cases.

X. Delegates to Congress are elected by the voters of the Territory, and serve during a Congress, but have no vote. See page 105.

#### SALARIES.

Governor.....	\$3,500
Secretary.....	3,000
Chief Justice.....	3,000
Associate Justices.....	3,000
Delegate to Congress.....	5,000

#### DISTRICT OF COLUMBIA.

*What can you say about the District of Columbia?*

I. The Constitution confers upon Congress the exclusive legislative control of the District. See page 136.

II. The people have no voice in the election of presidential electors.

III. By a law of Congress in 1874, the Executive, Legislative, and Public Works Departments, and the office of Delegate to Congress were abolished.

IV. By the same law an office (to be administered by three Commissioners appointed by the President and Senate) was created, giving the Commissioners authority to abolish any office, consolidate two or more offices, remove from and make appointments to office.

V. By the same law the municipalities of Georgetown and Washington were abolished, which suppressed the elective franchise throughout the district.

VI. The Supreme Court of the District of Columbia consists of one Chief Justice and five associates, ap-

pointed by the President and Senate, holding their office during good behavior.

VII. The Supreme Court has general *original* jurisdiction in law and equity.

VIII. The General Term held by all the Justices of the Supreme Court of the District, or a majority of them, hears appeals and writs of error from determinations of a single Justice of the Supreme Court.

IX. Any one Justice may hold a Special Term.

#### SALARIES.

Commissioners.....	\$3,000
Chief Justice.....	4,500
Associate Justices.....	4,000

## JUDICIARY.

### JURIES.

*What is a Jury?*

A body of men selected according to law, and sworn to inquire into and try any matter of fact, and declare the truth of it on the evidence given in the case.

*Name some Juries?*

I. One of 6 persons for the trial of causes in a Justice's Court.

II. One of 12 persons, summoned for the purpose of laying out new roads or discontinuing old ones.

III. One of not less than 6 nor more than 15 persons, summoned by the coroner, to inquire into the cause of any violent death.

IV. One of 12 men, called a Trial Jury, whose duty it is to try causes, civil or criminal, in the county court and sessions, or circuit and oyer and terminer.

V. One called a Grand Jury, of not less than 16 nor more than 23, whose duty it is to examine into accusations against persons charged with crime, and if they find sufficient testimony to warrant it, to find a bill of indictment against them to be presented to the court.

*What Qualifications are requisite for jurors?*

They must be freeholders, 21 years old.

*Who are Exempt from sitting on a jury?*

Persons over 60 years of age, postmasters, and many others.

## A CHART.

of eight divisions of Government in the United States, and of that of England. The figures at the right indicate the number of officials.

EXECUTIVE,

JUDICIAL,

each, of

School Commissioners, and  
Superintendent of Public In-  
struction.



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INTRODUCTION

JEROME

THE FIRST PART OF THE BOOK IS A  
GENERAL SURVEY OF THE  
VIGILANCE OF THE

THE SECOND PART OF THE BOOK IS A

THE THIRD PART OF THE BOOK IS A

THE FOURTH PART OF THE BOOK IS A

THE FIFTH PART OF THE BOOK IS A

THE SIXTH PART OF THE BOOK IS A

THE SEVENTH PART OF THE BOOK IS A

THE EIGHTH PART OF THE BOOK IS A

THE NINTH PART OF THE BOOK IS A

THE TENTH PART OF THE BOOK IS A

*How many are summoned for a Justice's Court and by whom?*

A constable summons 12 ; and from these 6 are drawn.

*Who selects and notifies the jury for laying out Roads, etc. ?*

The town clerk draws a jury, and the constable notifies them.

*By whom is the Coroner's Jury made out and summoned?*

By the coroner.

*How is the Trial Jury list obtained?*

The supervisor, town clerk, and assessors of the several towns of the county make out a list of the names of those persons qualified, and the names in the several lists are written upon slips of paper of the same size and deposited in a box in the county clerk's office.

*How is the Grand Jury list obtained?*

The supervisors apportion the number (300) among the several towns in the county in proportion to population. Each supervisor selects from his town the number to which it is entitled ; and these several lists are written upon slips of paper as before and deposited in a box in the county clerk's office.

*How frequently are the lists changed?*

The trial jury list is changed once in three years ; the grand jury list every year.

*When are these juries drawn?*

Not more than 20, nor less than 14 days before the sitting of the court for which they are drawn.

*How many are drawn?*

36 trial and 24 grand jurors.

*How is the jury for each individual case obtained?*

The 36 trial juror's names are put into a box and the

names are drawn out until 12 satisfactory persons are obtained.

*How many of this jury must Agree in a verdict?*

The twelve must agree.

*Who is the Officer authorized to report the verdict?*

The person they have elected foreman.

*In case the twelve jurymen do not Agree, what will be done?*

When the judge is satisfied that the jury will not agree, he will discharge them.

*What will be done with the case then?*

Another trial will take place with a different jury, unless the suit be discontinued.

*Who is the Presiding Officer of the Grand Jury?*

The Foreman, appointed by the judge presiding at that court.

*What other Officer does this jury have?*

A Clerk, one of their number, who writes out the testimony as it is given.

*Who can be present with this jury?*

Only the witness who is being examined, and the district attorney, if desired by the jury; but none except jurors can be present when they ballot in regard to a bill.

*What is done with a Bill of Indictment when found?*

It is handed over to the court, and the sheriff will cause the arrest of the person unless he be already in custody.

#### STRUCK JURY.

*What courts may order a Struck Jury?*

The Supreme Court and superior city courts.

*When may the above-named courts order a struck jury?*

When it shall appear that an impartial trial cannot be had, or that the intricacy of the case requires such a jury.

*What Time is required in the notice for striking a jury?*

The party obtaining the order shall give notice eight days before the time for striking, that he will attend before the clerk of the county in which the venue is laid, for the purpose of having such jury struck.

NOTES.—I. The clerk shall select from the jury lists of the several towns the names of 48 persons, whom he shall deem most indifferent between the parties, and best qualified to try the cause.

II. The party or his attorney, on whose application the order was granted, shall first strike one from the list, and then the opposing party or agent, alternating, until 12 shall have been stricken from the list by each party.

III. The clerk shall certify the names of the 24 persons whose names have not been stricken off, who shall be summoned, and from which number a jury shall be impanelled as in other juries.

## STATE COURTS.

A tabular view of the judiciary of the State, commencing with the lowest courts and showing them in their regular order, leaving out such as are established for particular localities.

I. Justice's Court.

II. County { 1. County Court.  
2. Sessions.

III. Supreme { 1. Circuit.  
2. Oyer and Terminer.  
3. Special Term.  
4. General Term.

IV. Court of Appeals.

## JUSTICE'S COURT.

*What is the Lowest Court in the State?*

A Justice's Court, held in each town by one of the Justices of the Peace.

*What Jurisdiction has this court?*

Original; that is, suits can be commenced in it, and tried in it.

*In a civil action how large a Judgment can be obtained?*

Not to exceed \$200.

*Can Criminal Suits be tried in a Justice Court?*

Some can be tried in it; but usually the parties give bail for their appearance at a higher court to await the action of the Grand Jury.

## COUNTY COURT.

*What is the next higher court?*

The County Court.

*What are its Divisions?*

County Court and Court of Sessions.

*For what Causes are each designed?*

The County Court is for the trial of civil causes, the Sessions for the trial of criminal causes, but not of the higher crimes.

*What Jurisdiction has the County Court?*

Original and Appellate: that is a suit may be commenced in it, or it may be appealed from a lower court.

*What Jurisdiction has the Court of Sessions?*

Original: no person who is charged with a crime can be tried in it until he is indicted by a Grand Jury.

*Who presides in the County Court?*

The County Judge.

*Who presides in the Court of Sessions?*

The County Judge and the two Justices of Sessions.

*May both of the courts be held in the same term?*

They may; As soon as a cause has been tried in one court the Judge may change to the other, and should it be the Sessions, the Justices of the Sessions must be on the bench with the Judge; should it be the County Court, he alone is the court.

*What Jury decides causes tried either in the Sessions or County Court?*

The Trial Jury, consisting of twelve men.

#### SUPREME COURT.

*What is the next higher court?*

The Supreme Court.

*What are its Divisions?*

The Circuit, Oyer and Terminer, Special Term, and General Term.

*For judicial convenience the State has been divided into how many Districts?*

Into 8 Judicial Districts, numbered from one to eight inclusive.

*What are the Officers called in this court?*

Justices of the Supreme Court.

*How Many are elected in each district?*

7 in the first; 6 each in the second, fifth, seventh, and eighth; 5 each in the third, fourth, and sixth. 46 in all.

*For how long a Term are these Justices elected?*

For 14 years. Salary \$6,000, and an annual allowance for expenses.

*What constitutional provision in regard to Eligibility?*

They cannot hold the office longer than the last day of December next after they shall be 70 years of age.

*What are some of their Duties?*

To preside and try causes in the Circuit, Oyer and Terminer, and also hear appeals in the Special Term; and when appointed Justices of the General Term to hear and decide appeals there.

#### SPECIAL TERM.

*What is a Special Term?*

A court held by one of the Supreme Court Justices in the district, simply for hearing and deciding motions and appeals.

#### GENERAL TERM.

*What is the General Term Court; and how many are there in the State?*

It is a court for hearing Appeals. It consists of a single district, or a union of several districts. There are five in the State, organized by act of the Legislature.

*What is the territory embraced in the jurisdiction of a General Term called?*

It is usually called a Department and is numbered.

See Table, page xi.

*How many Counties in each of the Districts?*

I dist.,	1 county.	V dist.,	6 counties.
II “	9 counties.	VI “	10 “
III “	7 “	VII “	8 “
IV “	11 “	VIII “	8 “

*How many Counties in each of the Departments?*

I dep't,	1 county.	VI dep't	16 counties.
II "	9 counties.	V "	16 "
III "	18 "		

*How many Justices constitute the General Term Court, or the court held in and for the Department?*

3 in each department.

*Where do these Justices come from?*

They are appointed by the Governor, from the Supreme Court Justices that have been previously elected by the people.

*Must these Judges be taken from their respective Departments?*

Not necessarily; they may be transferred from another department; as for instance, a Justice from Buffalo in the Fifth Department has been transferred to the First Department.

*How many Supreme Court Justices are elected in the territory covered by each Department?*

I dep't,	7 justices.	IV dep't	11 justices.
II "	6 "	V "	12 "
III "	10 "		

#### COURT OF APPEALS.

*Of what does the Court of Appeals consist?*

Of 7 Judges, elected by the electors of the whole State for a term of 14 years; one of their number is called a Chief Judge; they cannot hold the office after they are 70 years old. The salary of the Chief Judge is \$7,500; of the Associate Judges, \$7,000.

NOTE.—For list of the Judges, see table, page viii.



*What Jurisdiction has the Court of Appeals?*

Appellate only.

*State how Appeals may be taken from one court to another?*

The party aggrieved may appeal from a Justice's Court to a County Court; from County Court to Special Term; from Special Term to General Term; from General Term to Court of Appeals.

*What may these Courts do?*

They may affirm decisions made by the lower courts, or reverse decisions, or grant new trials.

#### ILLUSTRATION.

*In what court must a person charged with the crime of Murder be tried?*

In the Oyer and Terminer, or in some court having the same jurisdiction.

*What Privilege has the prisoner if convicted?*

He has the right to appeal to the Justice holding a Special Term, asking for a new trial.

*Should this Justice refuse to grant it, what further can he do?*

Appeal to the General Term.

*If the General Term refuse, what then?*

It can be taken to the Court of Appeals.

*If the Court of Appeals refuse to grant a new trial, what then?*

The decision of the Oyer and Terminer must be carried out unless the Governor interferes.

*In case the penalty be Death and the day for execution has passed, what then?*

The prisoner must be re-sentenced by the judge that presided at the trial.

*In case either of the Appellate Courts grants a new trial, what is to be done?*

The cause will be tried in the same court, or, in one having the same jurisdiction, but before a different jury.

*How are Civil Causes managed on appeal?*

In the same way, only that court may affirm or reverse decisions as well as grant new trials.

### UNITED STATES COURTS.

*In what respect are the State Courts and National Courts similar?*

Each has a Supreme and Circuit court.

*What are the names applied to United States Courts?*

The Constitution of the United States calls them Inferior Courts, and one Supreme Court. The Inferior Courts are the Circuit and District Courts. The territory of each is defined by Congress.

### A TABULAR VIEW OF UNITED STATES COURTS.

I. Inferior.    { 1. District Courts.  
                      { 2. Circuit Courts.

II. Supreme.

*How many District Courts are there at present?*

There are 65, 56 of them being in the States, and 9 of them in the Territories.

*What is the largest number of Districts into which any State is divided?*

Three: Ala., N. Y., and Tenn. have 3 districts each; Ark., Fla., Ill., Mich., Miss., Mo., N. C., Ohio, Penn., Tex., Va., and Wis. have 2 districts each, and the remaining States and Territories 1 each.

*What Officers in the District Court?*

One District Judge, a District Attorney, Assistant District Attorneys, a Marshal, a Clerk, and a large number of Deputy Marshals; and also Registers in Bankruptcy.

*What Jurisdiction has a District Court?*

Original jurisdiction.

*What are the Salaries of the District Judges?*

\$4,000 each.

*What does the Territory of several districts constitute?*

A Circuit.

*How many Circuits are there?*

Nine, each presided over by a Circuit Judge. For list of them, see Table, page xi.

*What Jurisdiction has the Circuit Court?*

Original jurisdiction.

*What are the Salaries of the Circuit Judges?*

\$6,000 each.

#### SUPREME COURT.

*What Territory is embraced in the jurisdiction of the Supreme Court?*

The whole of the United States.

*How many Judges constitute the Supreme Court?*

9 judges; corresponding with the number of the Circuits.

NOTE.—For list of them, see Table, page xi.

*When does the Supreme Court meet?*

The second Monday in October, at Washington, and holds one term annually.

*What is its Jurisdiction?*

Principally Appellate; it has original jurisdiction in a few cases, as mentioned in the Constitution.

*By whom are all these judges Appointed?*

By the President and Senate.

*What is the Salary of the Supreme Court Judges?*

The Chief Justice receives \$10,500. Associates receive \$10,000.

*For how long a Term are all these judges appointed?*

They hold the office for life, or during good behavior, or until they resign.

#### COURT OF CLAIMS.

*What is the Court of Claims?*

I. The Court of Claims consists of a Chief Justice and 4 Associate Justices, appointed by the President and Senate, and holding their office during good behavior. The salaries of Chief Justice and of Associate Justices are \$4,500 each.

II. It has authority to hear and determine all claims against the United States, founded upon any law of Congress or regulation of the executive department.

III. And upon any contract with the government, expressed or implied, and all claims which may be referred to it by Congress.

IV. Also all set-offs, counter claims, claims for damages, or other demands whatsoever on the part of the government against any person making claim against the government in this court.

For fuller details as to the Judiciary, see *Pierce's Judiciary of New York State*, price 25 cts.

## THE UNITED STATES.

### PRESIDENTIAL ELECTIONS.

*Under how many heads may this topic be treated?*

Two: the first being the manner pursued by the political parties for nominating candidates; the second, the constitutional provisions for electing them.

- Preliminary  
action of po-  
litical parties.
- |   |  |
|---|--|
| { | I. Calling of a National Convention.                     |
|   | II. Calling of State Conventions.                        |
|   | III. Calling of County or Assembly District Conventions. |
|   | IV. Calling of Town Caucuses.                            |

*By whom is the National Convention called?*

By a National Committee appointed at the last National Convention, or the one held four years before.

*By whom is the State Convention called?*

By a State Committee, appointed at the State Convention held the year before.

*By whom is the County or Assembly District Convention called?*

By a County or District Committee, appointed at a previous convention.

*By whom is a Town Caucus called?*

By a Town Committee, appointed at a previous meeting.

*Which meeting is held first?*

The Town Caucus, where delegates are elected to attend a County or Assembly District Convention.

*Which Convention is next held?*

The County or Assembly District Convention, where delegates are elected to attend the State Convention.

*Which Convention is next held?*

The State Convention, where delegates are elected to attend the National Convention.

*What Convention is next held?*

The National Convention. The delegates then and there assembled nominate candidates for the offices of President and Vice-President; and adopt their political platform.

*When do these conventions just named take place?*

Once in four years, in the months of April, May, June, preceding preceding the presidential election.

- |                                      |   |  |
|--------------------------------------|---|--|
| Further action by political parties. | { | <p>I. State Convention for nominating the Electors for President and Vice-President.</p> <p>II. Voting for these Electors at the annual elections.</p> |
|--------------------------------------|---|--|

*When does the State Convention for nominating the Electors meet?*

At a time when it is convenient to nominate State officers: usually in August or September.

*To how many Electors is each State entitled?*

To as many as it has Representatives and Senators. For instance, New York has 34 Representatives in the House, and 2 Senators; therefore New York is entitled to 36 electoral votes Colorado has 1 Representative, and 2 Senators, and is entitled to 3 electoral votes.

*How are these Electors distributed about the State?*

One Elector is elected for each Congressional District ; the two others are called Electors at Large, and are selected from any part of the State.

*What must each political party do that it may get its candidates before the people?*

It must have its conventions and nominate the required number of electors.

*What are these Electors intended to represent?*

The views of the party nominating them.

*How frequently, and when, is a Presidential election held?*

Once in four years, on the Tuesday following the first Monday in November, throughout all the States.

*What must each voter do, in the State of New York, that he may cast a ballot for President and Vice-President?*

He must hand to the inspectors of election a ballot upon which is printed the names of the 36 electors.

*By whom are these votes to be Canvassed (or counted)?*

By the same officers that canvass other votes. In New York State the inspectors of election canvass for their respective election districts, and certify the same to the Board of County Canvassers ; the County Canvassers canvass for counties, and certify to the State Canvassers ; the State Canvassers canvass for the State ; and the Executive authority of each State causes three lists of the Electors of such State to be made and certified and delivered to the said Electors, on or before the second Monday in January.

#### MEETING OF PRESIDENTIAL ELECTORS.

*What must the Electors that have been declared elected then do?*

I. They must meet on the second Monday in January succeeding their election, at such place in each

State as the Legislature thereof shall designate (usually the capital), and must vote for President and Vice-President, one of whom shall not be an inhabitant of the same State with themselves.

II. The Electors must make and sign three certificates of all the votes by them given for President and Vice-President, annexing to each a certificate of the Electors furnished by the authority of the Executive.

III. These certificates must be sealed, certifying, on the outside of each, that there is contained therein a list of the votes of such State for President and Vice-President.

IV. A person duly appointed by the Electors, or a majority of them, must take charge of and deliver one of these certificates to the President of the Senate, at the seat of government.

V. The second certificate must be forwarded through the mails to the President of the Senate, at the seat of government.

VI. The third certificate must be delivered to the Judge of the District Court in which the electors assemble.

#### OPENING AND COUNTING THE ELECTORAL VOTES.

*When and by whom must these Certificates be opened?*

On the second Wednesday in February the President of the Senate, in the presence of the Senate and House of Representatives, must open these certificates, and the votes must then be counted. The person having the greatest number of votes, if that number be a majority, shall be the President; and the person having the greatest number of votes for Vice-President, if that number be a majority, shall be Vice-President.



*Who must count the votes?*

Tellers appointed for that purpose by the House and Senate.

*In case neither candidate for the presidency has a Majority of all the electoral votes cast, what must be done?*

The election goes to the House of Representatives.

ELECTION BY THE HOUSE OF REPRESENTATIVES.

*How does this Election take place?*

I. Two-thirds of the States must be represented to constitute a quorum.

II. The candidates must be those already voted for, and must be confined to those receiving the highest number, not exceeding three.

III. Each State is entitled to only one vote: and it will be cast according to the wishes of a majority of the members in the House from that State. If, for instance, a State has 15 members, 8 belonging to one party, and 7 to another, the 8, being a majority, will, if agreed, cast the one vote; the minority having no voice in the election. Should there be an even number of members from any State, and should they be equally divided between two candidates, there might be one-half vote for each candidate.

*In case of a Failure on the part of the House of Representatives to elect a President before the 4th of March, what then?*

The Vice-President must act as President.

ELECTION OF VICE-PRESIDENT BY THE SENATE.

*Can the Senate ever elect a Vice-President?*

Yes, when the people have failed to elect a Vice-President, then the Senate must elect.

*How is this done?*

- I. Two-thirds of all the Senators constitute a quorum.
- II. The Senate must vote for the two persons who received the highest number of votes for Vice-President.
- III. A majority of all the members elected to the Senate is necessary to a choice.
- IV. Should there be a tie in the Senate, the Vice-President may give the casting vote.
- V. Should the Vice-President have succeeded to the presidency, or have vacated his office, and the President *pro tem.* (a Senator) preside, in that case there might be a tie, and no election reached.

#### THE PRESIDENTIAL SUCCESSION.

*What are the provisions for filling the office of President when Vacant?*

In case of the removal, death, resignation, or inability of a President to discharge the powers and duties of the said office, the same shall devolve upon the Vice-President.

II. In case of the removal, death, resignation, or inability of both the President and Vice-President of the United States, the duties of said office shall devolve upon the Cabinet officers in the following order:

1. Secretary of State; if there be none, then on the
2. Secretary of the Treasury; if there be none, then on the
3. Secretary of War; if there be none, then on the
4. Attorney General; if there be none, then on the
5. Postmaster General; if there be none, then on the
6. Secretary of the Navy; if there be none, then on the

7. Secretary of the Interior: until the disability of the President or Vice-President is removed or a President shall be elected.

III. *Provided*, That whenever the powers and duties of the office of President or Vice-President shall devolve upon any of the Cabinet officers, if Congress be not then in session, or if it would not meet in accordance with law within twenty days thereafter, it shall be the duty of the person upon whom said powers and duties shall devolve to issue a proclamation convening Congress in extraordinary session, giving twenty days' notice of the time of meeting.

IV. Cabinet officers to be eligible must have been appointed by the *advice and consent* of the Senate, and be eligible to the office of President under the Constitution, and not under impeachment by the House of Representatives at the time the duties shall devolve upon them. (Approved January 19, 1886.)

*What is the Electoral College?*

I. The term "Electoral College" means the presidential Electors when assembled as a body to cast the vote for President and Vice-President.

II. Each State may provide by law for the filling of any vacancy which may exist in its college of electors, when such college meets to cast its electoral vote.

*What are the requirements as to Eligibility of the President and Vice-President?*

I. No person shall hold the office, either of President or Vice-President, except native born citizens, or those who were in this country at the time of the adoption of the Constitution.

II. The candidate must have been a resident of the United States for 14 years.

III. He must be at the time of his election 35 years of age.

*What are some of the Duties of the President?*

I. He is Commander-in-Chief of the Army and Navy of the United States;

II. And of the Militia of the several States when called into actual service of the United States.

III. He has power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

IV. He has power to make treaties when two-thirds of the Senate present concur.

V. He nominates, and, by and with the consent of the Senate of the United States, appoints Ambassadors, Public Ministers, Consuls, Judges of the United States Courts, and all other United States officers not otherwise provided for.

VI. He may fill all vacancies that happen during recess of the Senate, by granting commissions that expire at the close of the next session.

VII. He must from time to time give to Congress information in regard to the condition of affairs in the United States, and recommend such measures as he deems expedient. For further duties, see Constitution of the United States, Art. II.

*What are some of the Duties of the Vice-President?*

I. He is President of the United States Senate, and has a vote only in case of a tie.

II. In case he succeeds to the presidency, then he

performs the duties of the President, and the President *pro tem.* (a Senator) performs the duties of Vice-President and Senator.

*What are the Salaries of the President and of the Vice-President?*

The President receives \$50,000;\* the Vice-President receives \$8,000.

A tabular view showing how some United States officers get their authority.

From the people.	{	I. Electors {	1. President.
			2. Vice-President.
From State Legisla- tures.	{	Members of the House of Representatives {	President sometimes. †
		U. S. Senators {	V. President sometimes. ‡

*What appointments are made by the President subject to confirmation by the Senate?*

- |   |   |                        |
|---|---|------------------------|
| I. President's Cabinet<br>consisting of | { | 1. Sec. of State.      |
|   |   | 2. Sec. of Treasury.   |
|   |   | 3. Sec. of War.        |
|   |   | 4. Sec. of Navy.       |
|   |   | 5. Sec. of Interior.   |
|   |   | 6. Postmaster General. |
|   |   | 7. Attorney General.   |
- II. Governors of territories.
- III. Ambassadors.
- IV. Ministers to foreign countries.

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\* The President's salary cannot be increased or diminished during his term of office.

† In 1801 and 1825. Who.

‡ Richard M. Johnson was elected Vice-President by the Senate in 1832. This is, thus far, the only instance.

V. Consuls.

VI. Judges of the U. S. Supreme Court.

VII. Judges of the U. S. Circuit Courts.

VIII. Judges of the District Courts.

IX. Postmasters.

And many other officers.

*What class of officers in the State performs nearly the same duties as the Cabinet officers in the Nation?*

Those classed as "Administrative," on page 61; in the State they are elected by the people; in the Nation they are appointed by the President.

#### THE CABINET.

*What are some of the Duties of the Cabinet officers?*

I. THE SECRETARY OF STATE, at the head of the State Department preserves the public archives, records, laws, arguments and treaties, and supervises their publication; conducts all business and correspondence arising out of foreign relations; makes out and records passports, commissions, etc.

II. THE SECRETARY OF THE TREASURY, at the head of the Treasury Department, receives and has charge of all moneys paid into the United States Treasury; has general supervision of the fiscal transactions of the Government, the collection of revenue, the auditing and payment of accounts and other disbursements; supervises the execution of the laws relating to Commerce and Navigation, the Revenues and Currency, the Coast Survey, the Mint and Coinage, the Lighthouse Establishments, Custom Houses, etc.

III. THE SECRETARY OF WAR, at the War Department, has charge of business growing out of military

affairs; keeps the records of the army; issues commissions; directs the government of troops; superintends their payment, stores, clothing, arms, equipments and ordnance; constructs fortifications and conducts works of military engineering, river and harbor improvements.

IV. THE SECRETARY OF THE NAVY, at the head of the Navy Department, has charge of the Naval establishments and all business connected therewith; issues Naval commissions, instructions and orders; supervises the enlistment and discharge of seamen, the construction of Navy Yards and Docks, the construction and equipment of vessels, Coast Surveys, etc.

V. THE SECRETARY OF THE INTERIOR, at the head of the Department of the Interior, has charge of the survey, management, sales and grants of Public Lands; the examination of Pension and Bounty Land claims; the management of Indian affairs; the award of Patents; the distribution of Seeds and Plants; the taking of Censuses; the management of Government mines, etc. The Bureau of Education is a branch of this department.

VI. THE POSTMASTER GENERAL at the head of the Post-office Department, has charge of the Postal System; the establishment and discontinuance of Post-offices; the appointment of Agents; the contracts for carrying the mails, etc.

VII. THE ATTORNEY GENERAL, at the head of the Department of Justice, is the legal adviser of the President and members of the Cabinet; examines titles, applications for pardons, and judicial and legal appointments; conducts and argues suits in which the Government is concerned, etc.

VIII. THE SECRETARY OF AGRICULTURE, whose duty it is to promote the agricultural interests of the country.

*What are the Salaries of the members of the Cabinet?*

\$8,000 a year.

*Name the present Cabinet officers. See page vi.*

#### AMBASSADORS, MINISTERS, AND CONSULS.

*What is an Ambassador?*

An Ambassador is a minister of the highest rank, appointed to represent the interests of a country at the court or seat of government of some other country.

*What is a Minister Plenipotentiary?*

A Minister Plenipotentiary is an Ambassador or Envoy, invested with full powers to negotiate a treaty, or do some other special business, without being a permanent resident of such country. Under such circumstances, he is called Ambassador *extraordinary*.

*What is a Consul?*

A person commissioned to reside in a foreign country as an agent or representative of a government, to protect the rights, commerce, merchants, and seamen of the country, and to aid in commercial, and sometimes in diplomatic transactions, with such foreign country; he is sometimes called Ambassador, or Minister *ordinary*.

*Name a few of the highest Salaries paid Ministers.*

The ministers to London, Paris, Berlin, and St. Petersburg receive \$17,500 each. Those to Vienna, Madrid, Rome, Pekin, Yeddo, Tokio, Mexico, and Rio Janiero, receive \$12,000 each. The United States has no Ambassadors.



## CONGRESS.

A FEW COMPARISONS BETWEEN THE STATE AND  
NATIONAL GOVERNMENTS.

*Name a similarity in Divisions between the State and the National governments.*

Each has 3 divisions, the Legislative, Executive, and Judiciary.

*Name a similarity in the Legislative department.*

Each has 2 branches. In New York they are called Assembly and Senate; in the National government they are called House of Representatives and Senate. The Assembly and House of Representatives each elect their own Speaker; the State Senate is presided over by the Lieutenant Governor; the National Senate is presided over by the Vice-President.

*What is the number of Members in each at the present time?*

In the Assembly there are 128; in the House of Representatives, 325; in the State Senate, 32; in the National Senate, 84.

*How do their Terms of office compare?*

The members of the Assembly are elected for 1 year, of the House of Representatives for 2 years; of the State Senate for 2 years, of the National Senate for 6 years.

## THE TWO HOUSES OF CONGRESS.

*Of what Divisions does Congress consist?*

Of the Senate and the House of Representatives.

*How many Members has the Senate?*

The Senate has twice as many members as there are States in the Union.

## THE HOUSE OF REPRESENTATIVES.

*How many Members has the House of Representatives?*

The House of Representatives consists of such a number as Congress shall decide upon and name, after the taking of each national census; and this number continues for the next ten years, unless increased by the admission of new States, each new State being entitled to one or more members.

The following table shows the ratio of representation in the House of Representatives, through the several decades to the present time.

1799....ratio,	30,000...	number of members,	65.
1793.... "	33,000....	"	" 106.
1803.... "	33,000 ...	"	" 142.
1813.... "	35,000 ..	"	" 181.
1823.... "	40,000.. .	"	" 213.
1833.... "	47,700....	"	" 240.
1843 ... "	70,680.. .	"	" 253.
1853.... "	92,430....	"	" 254.
1863.... "	127,316....	"	" 242.
1873.... "	131,425....	"	" 293.
1883.... "	154,000....	"	" 325.

The present number, 330, is apportioned as follows:

Alabama.....	8	Massachusetts....	12
Arkansas.....	5	Michigan.....	11
California .....	6	Minnesota.....	5
Colorado.....	1	Mississippi.....	7
Connecticut.....	4	Missouri.....	14
Delaware.....	1	Montana.....	1
Florida.....	2	Nebraska.....	3
Georgia.....	10	Nevada.....	1
Illinois.....	20	New Hampshire. .	2
Indiana ...	13	New Jersey.....	7
Iowa.....	11	New York.....	34
Kansas.....	7	North Carolina.....	9
Kentucky.....	11	North Dakota.....	1
Louisiana.....	6	Ohio.....	21
Maine... ..	4	Oregon.....	1
Maryland.....	6	Pennsylvania.....	26

Rhode Island.....	2	Vermont.....	2
South Carolina.....	7	Virginia.....	10
South Dakota.....	2	Washington.....	1
Tennessee.....	10	West Virginia.....	4
Texas.....	11	Wisconsin.....	9

## CONGRESSIONAL DISTRICTS IN NEW YORK.

The following is the apportionment of Congressional districts in and for the State of New York, made by the Legislature in 1883, which will be in force for the next ten years:

I. The counties of Richmond, Suffolk, and Queens.

II. The towns of New Lots, Flatbush, Flatlands, Gravesend, and New Utrecht, and the territory comprised in the present Wards 8, 9, 12, 22, 24, 25 of Brooklyn.

III. The territory comprised in the present Wards 7, 13, 19, 20, 21, 23, of Brooklyn.

IV. The territory comprised in the present Wards 1, 2, 3, 4, 5, 6, 10, 11 of Brooklyn.

V. The territory comprised in the present Wards 14, 15, 16, 17, 18 of Brooklyn.

VI. The 1st, 5th, and 9th Assembly districts of the city and county of New York.

VII. The 2d, 3d, and 7th Assembly districts of the city and county of New York.

VIII. The 4th, 6th, and 8th Assembly districts of the city and county of New York.

IX. The 10th, 12th, and 14th Assembly districts of the city and county of New York.

X. The 11th, 16th, and 18th Assembly districts of the city and county of New York.

XI. The 13th, 15th, and 17th Assembly districts of the city and county of New York.

XII. The 20th, 21st, and a part of the 22d Assembly district of the city and county of New York.

XIII. The 19th, 23d, and a part of the 22d Assembly district of the city and county of New York.

XIV. The county of Westchester. and the 24th Assembly district of the city and county of New York.

XV. The counties of Orange, Rockland, and Sullivan.

XVI. The counties of Putnam, Dutchess, and Columbia.

XVII. The counties of Ulster, Greene, and Delaware.

XVIII. The counties of Rensselaer and Washington.

XIX. The county of Albany.

XX. The counties of Saratoga, Schenectady, Montgomery, Fulton, and Hamilton.

XXI. The counties of Clinton, Essex, Warren, and Franklin.

XXII. The counties of St. Lawrence and Jefferson.

XXIII. The counties of Oneida and Lewis.

XXIV. The counties of Schoharie, Otsego, and Herkimer.

XXV. The counties of Onondaga and Cortland.

XXVI. The counties of Madison, Chenango, Broome, and Tioga.

XXVII. The counties of Oswego, Cayuga, and Wayne.

XXVIII. The counties of Tompkins, Chemung, Schuyler, and Seneca.

XXIX. The counties of Ontario, Steuben, and Yates.

XXX. The county of Monroe.

XXXI. The counties of Livingston, Genesee, Orleans, and Wyoming.

XXXII. The 1st, 2d, and 3d Assembly districts of the county of Erie.

XXXIII. The county of Niagara, and the 4th and 5th Assembly districts of the county of Erie.

XXXIV. The counties of Chautauqua, Cattaraugus, and Allegany.

*How are members of the House of Representatives Elected?*

They are elected every even year by the voters of the several States, the voters of each Congressional District electing one member.

*What is their Term of office?*

The term of office is 2 years, and begins on the 4th of March following the election.

*What is a Congressman-at-Large?*

He is a member elected by the voters of the entire State.

After a new apportionment by Congress, some States will have a larger number of Representatives than during the preceding decade. For instance, New York had *one* additional Representative by the apportionment of 1882. The Legislature failed to *re-district* the State in 1882, and as there were but 83 Congressional districts to elect 84 Representatives, one had to be elected by the voters of the entire State.

Had there been *two* additional Representatives, there would have been two Congressmen-at-Large at the election of 1882.

The State is now *re-districted*, and there are as many districts as there are Representatives. See page 101.

*What special Qualifications must a Representative possess?*

I. He must be 25 years of age, an inhabitant of the State in which elected, and 7 years a citizen of the United States.

NOTE:—By the term *citizen* here is meant, that an alien must have been naturalized 7 years before he can hold this office.

II. He cannot hold any other office under the United States during his continuance in this office.

III. He shall not be appointed to any civil office under the authority of the United States, which shall have been *created*, or the emoluments of which shall have been *increased*, during his term of office.

*How are Vacancies in this office filled?*

By special election in the district in which the vacancy exists; such election being ordered by the Governor of the State.

NOTE.—The person elected at such special election serves only for the unexpired term.

*What are some of the Duties of Representatives?*

I. To take the oath of office. (See page 145.)

NOTE.—The oath is administered to the members before taking their seats, by the last Clerk of the House of Representatives, whose duty it is to act as presiding officer until a Speaker shall be elected.

II. To elect from their number a presiding officer, who is called "Speaker."

III. To elect from outside their number other officers, as Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster.

IV. A majority constitute a quorum for doing business; judge of the elections, return, and qualifications of their own members; compel the attendance of absent members; determine their own rules of proceedings; punish members for disorderly behavior; and expel a member by a two-thirds' vote.

V. They may not adjourn for more than three days, or to any other place than that in which the Senate also is sitting, without the consent of the Senate. The same rule applies to Senators.

VI. To have co-ordinate jurisdiction with the Senate in enacting laws.

VII. To have the sole power of originating impeachments.

NOTE.—An impeachment is a specific accusation (and is in the form of an indictment) against a public officer, charging him with a crime or misdemeanor sufficient to put the accused on trial at the bar of the Senate. When a majority of the members of the House has impeached an officer, it appoints a committee to lay the whole matter before the Senate, and to represent the House in its prosecution. The duties of the House of Representatives end here.

VIII. All bills for *revenue* must originate in the House of Representatives, but the Senate may propose or concur in amendments as in other bills.

IX. To select a President of the United States, when the electors fail to elect one. (See pages 91–92.)

This has occurred twice. Thomas Jefferson was elected in 1801, and John Quincy Adams in 1825. (See page v.)

*How are Territories represented?*

Each Territory is entitled to one delegate, who has the privilege of presenting the claims of his Territory; but has no vote. (See page 73.)

#### THE SENATE.

*How are United States Senators elected?*

By the Legislatures of the several States, for a term of 6 years.

NOTE.—When a Senator is to be elected, each body of a Legislature by a *viva voce* vote of each member present on the second Tuesday after the meeting and organization thereof, names a candidate for Senator.

The two houses meet in joint assembly, the day following, and if the same person has received a majority of all the votes cast in each house (a quorum being present) he is declared duly elected Senator of the United States.

If no person has received such majority, then the joint assembly proceeds by *viva voce* vote to elect a Senator, and continues to vote at least once each day during the session, or until a Senator shall be elected. For manner of *viva voce* voting see page 56.

*How were Senators Classified according to the Constitution, at the first meeting?*

I. There were only 19 Senators at the opening. The names of 6 were put into one class, 7 into another, and 6 into another.

II. No two Senators' names from the same State were put into one class.

III. Three papers of equal size numbered one, two, and three, were rolled up and put into a box, and drawn by a committee of three persons chosen for this purpose in behalf of the respective classes in which each of them was placed.

IV. Senators of the first class were to vacate their seats in 2 years; of the second, in 4 years; of the third, in 6 years.

V. By a resolution of Congress in 1789, it was decided that when Senators take their seats from States that have not before appointed Senators, they shall be placed by lot in the foregoing classes in such manner as shall keep the classes as nearly equal as may be in numbers.

VI. Two or four years will intervene between two successive expirations of Senatorial terms in any State.

*What special Qualifications must a Senator possess?*

I. He must be 30 years of age, an inhabitant of the State in which elected, and 9 years a citizen of the United States.

II. He must be free from the restrictions in regard to holding office heretofore given for Representatives.

*What are they?*

*How are Vacancies in this office filled?*

I. If a vacancy occurs during the recess of a Legislature of any State, the Governor of such State may make



a temporary appointment, which will expire at the meeting of the Legislature.

II. If the Legislature of a State be in session at the time a vacancy occurs, the Legislature will proceed to fill such vacancy by voting as in the case of a full term.

NOTE.—The person elected to fill a vacancy serves only for the unexpired term.

#### DUTIES.

*What are some of the Duties of Senators?*

I. To take the oath of office. (See page 145.) The oath will be administered by the Clerk of the Senate.

II. To elect their Clerk, Sergeant-at-Arms, Door-keeper, and Postmaster. These officers are not members of the Senate.

III. Sections IV., V., and VI., under duties for Representatives, apply to Senators likewise. What are they?

IV. The Senate, sitting as a court, has sole power to try all impeachments.

NOTE 1.—The Chief Justice shall preside when the President of the United States is being tried.

NOTE 2.—It requires two-thirds of the members present to concur in order to convict.

Compare pp. 57, 58, 105.

NOTE 3.—The following persons have been tried by this Court:

1. William Blount, United States Senator from Tennessee was impeached by the House of Representatives in 1797, tried by the Senate, and *expelled*. The charge was "That he had intrigued when Governor of the Territory, to transfer New Orleans and the neighboring districts, then belonging to Spain, to Great Britain, by means of a joint expedition of English and Indians."

2. John Pickering, District Judge, N. H., was impeached by the House of Representatives in 1803. Senate failed to convict.

3. Samuel Chase, Associate Justice, was impeached, tried by the Senate in 1805, and discharged.

4. James H. Peck, District Judge, Missouri, was impeached, tried by the Senate, in 1830, and discharged.

5. The impeachment (or indictment) of Andrew Johnson in 1868, consisted of 11 articles or counts. Only three of those articles or counts were

acted upon, the vote standing 34 for conviction, and 19 against. He was not convicted. Repeat the provisions of the Constitution as to impeachments, pages 115 and 116.

V. To ratify or reject treaties proposed by the President of the United States, two-thirds of the Senators present concurring. (See page 140.)

VI. To confirm or reject appointments made by the President. (See page 95.)

VII. To elect a Vice-President of the United States in case the electors fail so to do. (See page 91.)

VIII. To elect a President *pro tempore*. This is usually done at the close of the first *Executive Session* of the Senate after the inauguration of the new Vice-President, so that if the Vice-President should be called upon to perform the duties of President, the Senate would not be without a presiding officer. (See page 92.)

IX. The President *pro tempore* of the Senate may act as Vice-President, in case of a vacancy, but can *never be in fact* a Vice-President, because the President *pro tempore* may be less than 35 years of age, or born in a foreign country, and consequently may be ineligible to the office of Vice-President.

NOTE.—For further legislative powers, such as levying duties, coining money, fixing the standard of weights and measures, establishing post-offices and post-roads, inferior courts, punishment of piracies, etc., see page 119.

#### *How are Congresses named?*

By ordinal number. The 51st Congress will come into power March 4, 1889, and at the close of two years will be followed by the 52d Congress, a new Congress succeeding to power every two years.

*When does Congress meet?*

The Constitution provides that Congress shall meet the first Monday in December, in each year; consequently, there can be no session of a *new Congress* until that time, unless ordered by the President.

The *first* regular session of a Congress may continue a full year. The *second* regular session must close on the third of March, at which time the term of the members of the House of Representatives expires.

*What is meant by the Senate having Executive Sessions?*

I. An executive session is for the purpose of ratifying treaties, confirming appointments made by the President, etc.

II. It is a meeting of the Senate only, and is sometimes called by the President when Congress is not in session. At the commencement of a presidential term, the Senate is convened for the purpose of confirming the Cabinet and other appointive officers.

*May the Presiding Officers vote*

I. The Speaker of the House of Representatives, being a member of the House, is always entitled to a vote upon any question.

II. The Vice-President not being a member of the Senate, is entitled to vote only in case of a tie in the Senate.

III. The President *pro tempore*, as presiding officer, is entitled to vote upon all questions, because he is a member of the Senate. (Compare page 58.)

*What are the Salaries of Congressmen?*

I. The Speaker of the House receives a salary of \$8000.

II. The President *pro tem.* of the Senate receives a salary of \$8000.

III. Senators, Representatives, and Delegates (see page 73) receive \$5000 a year, and 20 cents a mile for travel in going to and returning from Washington.

*What are the Standing Committees of Congress?*

I. Both houses have standing committees, among which are the following: Ways and Means, Foreign Relations, Finance, Appropriations, Judiciary, Commerce, Military Affairs, Naval Affairs, Indian Affairs, Elections, Banking and Currency, Railroads, etc.

II. These committees are appointed in the House of Representatives by the Speaker; in the Senate, by the members of the Senate.

III. Each committee has a chairman and secretary: the chairman of any committee, by a law of 1863, is empowered to administer oaths to witnesses in any case under consideration.

IV. Special committees are appointed for the examination of special cases.

V. The object of having committees is to expedite business: bills and matter pertaining to a particular subject are referred to the committee having that subject in charge; the committee investigates, and reports in proper form to the House or the Senate as the case may be.

COMMITTEE OF THE WHOLE.

*Explain the manner in which a deliberative body is resolved into a Committee of the Whole.*

I. A member of the House of Representatives, Senate, or any other deliberative body, moves that that

body resolve itself into a Committee of the Whole for the consideration of a particular subject : if carried, the Speaker or presiding officer leaves the chair, naming some member to take his place as chairman.

II. The Speaker or presiding officer becomes a member of the committee, and can take part in the debate as other members.

III. The Committee of the Whole cannot conclude any business and cannot adjourn.

IV. When the discussion is completed, some member moves that the Committee of the Whole do "now rise"; whereupon the Speaker resumes his place in the chair, and the chairman reports to him the business which was transacted in the Committee of the Whole.

V. If the House or any other body while in Committee of the Whole desires to adjourn, *it rises*, and only after the chairman "reports progress" to the Speaker is a motion to adjourn in order.

VI. The object of going into a Committee of the Whole is to get rid of those rules which hinder and retard free debate.

## CONSTITUTIONAL PROVISIONS.

### NATURALIZATION.

*Explain the process of Naturalization.*

I. Aliens, persons born in other countries, may become citizens in five years after coming to this country by complying with certain rules.

II. They must make a declaration of intention on oath before a court of competent jurisdiction, desiring to become citizens, except as in Sec. V, and except where an alien became resident in the U. S. before arriving at the age of 18 yrs.

NOTE.—A circuit or district court of the United States, or a district or supreme court of Territories, or a court of record of any of the States having common law jurisdiction, is a court of competent jurisdiction.

III. Five years must have elapsed after a foreigner becomes a resident, and two years after a declaration of intention as above, before he can become a citizen. At this time he must take the oath of allegiance.

IV. The oath of allegiance must be preceded by the oath of other witnesses—to the 5 years' residence, and good moral character of the applicant.

V. An exception to this is, that an alien soldier having served in the Union Army one year and having obtained an honorable discharge, may become a citizen of the United States on making oath to these facts and taking the oath of allegiance.

VI. When a foreigner becomes naturalized, his children under 21 years of age, if residents of the United States at the time, become citizens without further formality.

VII. If a foreigner makes his declaration of intention to become a citizen of the United States, and dies before the time to become fully naturalized, his wife and children become citizens at that time, on taking the oath of allegiance.

#### HABEAS CORPUS

*What is a writ of Habeas Corpus?*

I. An instrument in writing issued by a judge, commanding the sheriff or whoever has the prisoner in charge, to bring him before the judge.

II. The case is not tried, but the judge simply examines the case to see whether the imprisonment is lawful;

that is, whether any crime is charged, or whether there is any proper complaint, or commitment.

III. If the prisoner be lawfully held, he may send him back to prison, or if unlawfully held, release him.

IV. This famous writ protects the rights of personal liberty by causing the case of the person under arrest to be examined by a competent judge.

V. The privilege of this writ shall not be suspended, unless, when in cases of rebellion or invasion, the public safety requires it. (See page 137.)

NOTE.—The writ of *habeas corpus* was suspended by President Lincoln, May, 1861; in December of the same year, Congress passed an act approving the action of the President, and authorizing the suspension of the writ as long as he should deem it necessary.

#### EX POST FACTO LAWS.

*What is an Ex Post Facto Law?*

An Ex Post Facto Law, as defined by the Supreme Court of the United States, is one which renders an act punishable in a manner in which it was not punishable when the act was committed. For this and other prohibitions, see pages 137 and 138.

#### TREASON.

*What is Treason?*

I. Treason against the United States consists in levying war against them, or in adhering to their enemies, giving them aid and comfort.

II. A conviction requires the testimony of two witnesses to the same overt act, or a confession in open court.

III. The trial for treason will be conducted in all respects like any other criminal trial for a capital offence.

V. The penalty may be death, but by an act of Congress July 17, 1862, the punishment is discretionary

with the Court, and may be imprisonment for not less than five years, and a fine of not less than \$10,000.

**NOTE.**—No person has ever been convicted of treason in the United States. Jefferson Davis was captured May 10, 1865, and placed in Fortress Monroe, May 19, where he was confined for two years. In May, 1867, he was brought before the United States Circuit Court at Richmond on a charge of treason, and was admitted to bail. In December, 1868 he was discharged.

#### POLITICAL DISABILITIES.

*What persons were deprived by the Fourteenth Amendment from holding any civil or military appointment under the United States?*

I. Those who, having taken an oath as a member of Congress, or

II. As an officer of the United States, or

III. As a member of any State Legislature, or

IV. As an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in the insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. (See page 151.)

*How were these Disabilities removed?*

I. By laws enacted by Congress to that effect by a two-thirds' vote.

II. By the same being proclaimed by the President in the several amnesty proclamations of May 29, 1867, in which fourteen classes of persons were excepted, followed by other proclamations dated September 7, 1867; July 4, 1868; December 25, 1868.

**NOTE.**—The last one was as follows: "I do hereby proclaim and declare, unconditionally and without reservation, to all and to every person who directly or indirectly participated in the late insurrection or rebellion a full pardon and amnesty for the offence of treason against the United States."

#### AMENDMENTS.

*How may Amendments be made to the Constitution?*

I. Whenever two-thirds of both houses of Congress



shall deem it necessary, they may prepare amendments, which shall become binding when ratified by the Legislatures of three-fourths of the States.

NOTE. —The above is the usual way.

II. On application of the Legislatures of two-thirds of the States, Congress shall call a convention for proposing amendments, which must be ratified in conventions held by three-fourths of the States.

III. A prohibition in regard to amendments is that no State without its consent shall be deprived of its equal suffrage in the Senate. (See page 144.)

#### NOTES ON NATURALIZATION.

I. All persons born in this country are citizens.

II. Children under 21 years of age, born in other countries, become naturalized by the naturalization of the father.

III. When a foreigner has lived in this country *three years* and has made application to become a citizen, and the application is on file in the office of the Secretary of State, he is then entitled to hold lands by deed and convey the same lawfully: he is also entitled to vote at school meetings, but for no other officers until fully naturalized.

IV. Any woman, who might lawfully be naturalized under the existing laws, *married*, or *who shall be married to a citizen* of the United States, shall be deemed and taken to be a citizen.

## MISCELLANEOUS QUESTIONS.

The following questions and answers are given for the purpose of keeping some of the more difficult points before the minds of the advanced students.

*What is a Quorum?*

A majority of either body in the Legislature or in Congress constitutes a quorum for doing business. See pp. 56, 104.

*Where do Bills originate?*

Bills may originate in either house of the Legislature; but in Congress, all bills for raising revenue must originate in the House of Representatives: yet the Senate may propose or concur with amendments as on any other bills. See pp. 56, 133.

*Who are Members of the Court of Impeachment?*

The State Senators or a majority of them, the Judges of the Court of Appeals, or a majority of them, and the Lieutenant Governor. The United States Senate is also a court of impeachment. See pp. 58, 107.

*Who may grant Reprieves and Pardons? See pp. 63, 94.*

*What is an Ex-post Facto Law? See page 113.*

*What is a Writ of Habeas Corpus? See pp. 112, 154.*

*What is Treason? See page 113.*

NOTE.—A difficulty existed between Aaron Burr and Alexander Hamilton, growing out of a political controversy which culminated in a duel, fought July 11, 1804, in which the latter was killed. Burr was disfranchised by the laws of New York, for having fought a duel, and was indicted for murder in New Jersey. His term of office as Vice-President closed March 4, 1805. In

April he started on a tour through the western country, and was suspected of being engaged in a scheme of forming a new government on the borders, and perhaps partly within the United States.

His proceedings excited alarm, and Nov. 27, 1806, President Jefferson issued a proclamation against him; being arrested in Alabama, Feb. 19, 1807, he was brought to Richmond, Va., for trial for high treason. The trial commenced March 27, and lasted till Sept. 7. No overt act of treason was proven, and the verdict of the jury was "Not Guilty under the Indictment."

*What was Attainder?*

In old English law, the extinction of civil rights, and the forfeiture of estate which followed, when a person was condemned to death for treason or felony, or when judgment of outlawry had been pronounced against him for not appearing to answer to a capital crime.

*What was a Bill of Attainder?*

It was a *legislative* conviction for alleged crimes with judgment of death.

It is forbidden by our Constitution. See page 137.

*What are letters of Marque and Reprisal?*

They are commissions issued by a government to private persons, authorizing them to seize the property of a foreign nation or its subjects, as a reparation for some injury. Congress has exclusive power to grant them. See page 135.

*What is Capital Punishment?*

It is punishment by death, and is inflicted as a penalty for murder, treason, and arson in the first degree.

*What is Arson?*

It is *maliciously* burning any dwelling-house, shop, or any building, the property of another.

NOTE.—The burning of an inhabited dwelling in the night-time is arson in the *first degree*.

*What is Burglary?*

It is forcibly breaking into and entering in the *night-time* the dwelling-house of another with intent to commit a crime.

*What is Larceny?*

It is wrongfully taking of another's personal property, with the intent to deprive him of it permanently.

\* NOTE.—If the property taken amounts to twenty-five dollars and upwards, the crime is *grand larceny*, and is a state's prison offence. If less than twenty-five dollars (unless second offence), it is *petit larceny* and is punishable by fine or imprisonment in jail or both.

*What is Slander?*

Slander is a *false* statement about another, which injures him in his reputation or business. If the person slandered proves that he has been damaged, the slanderer may be compelled to pay heavy damages. A person is liable for *repeating* a slander, the same as though he originated it.

*What is Libel?*

A libel is a *false* publication in print or writing, signs or pictures, tending to injure a person in his reputation or business, or to expose him to public hatred, contempt, or ridicule. A person may be liable for heavy damages for words printed or written, for which he would not be liable if merely spoken, because of their wider circulation.

*What is Forgery?*

Forgery consists in *falsely* making, counterfeiting, or altering any instrument in writing with intent to defraud.

*What is Counterfeiting?*

Counterfeiting is the general term for making false coin and paper money, or passing it.

*What is Bribery?*

Bribery is the offering money or other reward, or accepting money or some other reward for the purpose of influencing votes, for securing anything against justice. See Cons. of New York, page 158.

*What is Perjury?*

Perjury is stating material matter *falsely*, under the solemnity of a legal oath.

*What is Robbery?*

Robbery is the taking of personal property from another in his presence and against his will by violence, or by putting him in fear of immediate injury to his person.

*What is Bigamy?*

The crime of bigamy consists in a man's having two or more living wives at the same time, or a woman's having two or more living husbands at the same time. Where done openly by a class professing to consider it right, it is called polygamy, or polyandry.

*What is Murder?*

Murder is the killing of a human being deliberately and maliciously, and with intent to effect death.

NOTE.—The law specifies different degrees of murder. Murder in the first degree is punishable by *death*; in the other degrees, by *imprisonment* for longer or shorter times.

*What is Embezzlement?*

Embezzlement consists in fraudulently taking what is intrusted to one by another, with intent to apply to one's own use; and is usually punishable in the same manner as larceny of the same amount.

*Who are Accessories to a crime?*

Persons who advise, procure, or command a person to commit a crime, are said to be *accessories before the fact*; those who conceal an offender knowingly, or who give aid to prevent his being brought to punishment, are said to be *accessories after the fact*.

*What is a Felony?*

A heinous crime : a crime punishable by death or imprisonment in state prison is a felony.

*What is giving Bail?*

Giving bail consists in a person (called a bondsman) giving a bond by which he agrees to pay the State a certain sum of money in case the prisoner does not appear when wanted for trial.

**NOTE.**—After the bond is executed the prisoner is released until trial.

*What is said of Excessive Bail?* See pp. 147 and 154.

*What is said of Trial by Jury?* See pp. 131 and 136.

*What is said of the Grand Jury?* See pp. 75, 76, 144, and 154.

*What class of people can be Naturalized, and what is the process?* See pp. 111 and 112.

*What are the Qualifications for members of the House of Representatives?* See page 103.

*For United States Senators?* See page 106.

*For the Legislature of New York?* See page 54.

*How are Vacancies filled in the House of Representatives?* See page 104.

*How are Vacancies filled in the United States Senate?* See page 106.

*What officers have no Vote except in case of a Tie?* See pp. 115 and 170.

*Who Presides in a court of impeachment, and how many of the members must concur in order to convict?* See pp. 58 and 107.

*How far can judgment in cases of impeachment extend? See pp. 58 and 152.*

*How many impeachments have been tried by the United States Senate? See page 107.*

NOTE.—William Blount is the only person that has been convicted in that court.

*What Privileges, as individuals, have members of Congress or State Legislators? See pp. 133 and 164.*

*What is a veto? See pp. 134 and 170.*

*In what time must a bill be returned by the President or Governor? See pp. 57, 134, 171.*

*How can a bill be passed after having been vetoed by the President or Governor? See pp. 134 and 171.*

*What are the Powers of Congress? See pp. 135, 136.*

NOTE.—There are seventeen of them : the student can learn two or more of them each day.

*What are the general Prohibitions of Congress? See pp. 136 and 137.*

NOTE.—There are seven in number : learn the substance of them.

*What are the Prohibitions upon States? See pp. 137 and 138.*

NOTE.—There are three in number : learn the substance of them.

*How many Electors of President and Vice-President are there at present? and how long will the present number remain?*

*As many as there are Representatives and Senators in Congress. See pp. 99 and 100.*

*What are the Qualifications required for the offices of President and Vice-President? See page 93.*

*What are the Qualifications for the offices of Governor and Lieutenant Governor? See page 62.*

*How is a Vacancy in the office of President filled? See pages 92 and 93.*

*How is the Vacancy in the office of Governor filled? See page 63.*

*What Officers under United States government can be impeached? See page 141.*

*What officers under the State government can be impeached? See page 176.*

*What are some of the Duties of the President? See pp. 94, 140, 141.*

*What are some of the Duties of the Governor of New York? See pp. 63, 168, 169.*

*What United States Court is both original and appellate, and in what cases? See page 142.*

*What United States Courts have original jurisdiction? See pp. 85 and 86.*

*What Jurisdiction have the various Courts in the State? See pp. 79 and 83.*

*The Supreme Court has both original and appellate jurisdiction.*

*By what authority and in what way are new States admitted, and new Territories organized? See pp. 71 and 72.*

*How are Amendments made to the United States Constitution? See page 114.*

*How are Amendments made to the State Constitution? See page 202.*

*How many Articles in the original Constitution of the United States? See page 149.*

*How many Amendments have been made to it? When were the last three made? Give some reasons for the incorporation of the 13th, 14th, and 15th amendments. See pp. 146-151.*

*How many Articles in the State Constitution? See page 202.*



# DECLARATION OF INDEPENDENCE.

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IN CONGRESS, JULY 4, 1776.

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## THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA.

When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitles them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government; laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long

established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws, the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature, a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the State remaining, in the meantime, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us:

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond seas to be tried for pretended offences:

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies.

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments:

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation and tyranny, already begun, with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow citizens, taken captive on the high seas, to bear arms against their country, to

become the executioners of their friends and brethren; or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms; our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

We, therefore, the Representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and by authority of the good people of these colonies, solemnly publish

and declare, that these United Colonies are, and of right ought to be, *free and independent States*; they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved; and that as *free and independent States*, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which *independent States* may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

JOHN HANCOCK, and 54 other signers.

# THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

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## PREAMBLE.

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

## ARTICLE I.—Legislative.

### SECTION 1.—CONGRESS.

1. All legislative powers herein granted shall be vested in a congress of the United States, which shall consist of a senate and house of representatives.

### SECTION 2.—HOUSE OF REPRESENTATIVES.

1. *Election*.—The house of representatives shall be composed of members chosen every second year by the people of the several states; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

2. *Qualifications*.—No person shall be a representative who shall not (1) have attained to the age of twenty-five years, and (2) been seven years a citizen of the

United States, and who shall not (3) when elected, be an inhabitant of that State in which he shall be chosen.

3. *Apportionment*.—Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia three.

4. *Vacancies*.—When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. *Officers*.—The house of representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

### SECTION 3.—SENATE.

1. *Election*.—The senate of the United States shall be composed of two senators from each State chosen by the



legislature thereof, for six years; and each senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

3. *Qualifications.*—No person shall be a senator who shall not have (1) attained the age of thirty years, and (2) been nine years a citizen of the United States, and who shall not (3), when elected, be an inhabitant of that State for which he shall be chosen.

4. *Officers.*—The vice-president of the United States shall be president of the senate, but shall have no vote unless they be equally divided.

5. The senate shall choose their other officers, and also a president *pro tempore* in the absence of the vice-president, or when he shall exercise the office of president of the United States.

6. *Impeachments.*—The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside; and no person shall be convicted

without the concurrence of two-thirds of the members present.

7. Judgments in cases of impeachments shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment and punishment, according to law.

#### SECTION 4.—ELECTIONS AND MEETINGS.

1. *Elections*.—The times, places and manner of holding elections for senators and representatives shall be prescribed in each State by the legislature thereof; but the congress may at any time by law make or alter such regulations, except as to the place of choosing senators.

2. *Meetings*.—The congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

#### SECTION 5.—ORGANIZATION.

1. *Quorum*.—Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

2. *Rules*.—Each house may determine the rule of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member.

3. *Journal*.—Each house shall keep a journal of its proceedings, and from time to time publish the same,

excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

4. *Adjournment*.—Neither house, during the session of congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

#### SECTION 6.—MEMBERS AS INDIVIDUALS.

1. *Pay and Privileges*.—The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases except treason, felony and breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

2. *Prohibitions*.—No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

#### SECTION 7.—REVENUE; THE VETO.

1. *Revenue Bills*.—All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments as on other bills.

2. *The Veto*.—Every bill which shall have passed the house of representatives and the senate shall, before it becomes a law, be presented to the president of the United States; if he approve, he shall sign it; but if not he shall return it, with his objections, to that house in which it shall have originated; who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and, if approved by two-thirds of that house, it shall become a law. But in all cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the congress, by their adjournment, prevent its return, in which case it shall not be a law.

3. Every order, resolution or vote, to which the concurrence of the senate and the house of representatives may be necessary (except on a question of adjournment), shall be presented to the president of the United States; and, before the same shall take effect, shall be approved by him; or, being disapproved by him shall be repassed by two-thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

## SECTION 8.—LEGISLATIVE POWERS.

The congress shall have power:

1. To lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

2. To borrow money on the credit of the United States.

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

6. To provide for the punishment of counterfeiting the securities and current coin of the United States.

7. To establish post-offices and post-roads.

8. To promote the progress of science and useful arts, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.

9. To constitute tribunals inferior to the supreme court; to define and punish piracies and felonies committed on the high seas, and offences against the law of nations.

10. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

11. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years.

12. To provide and maintain a navy.

13. To make rules for the government and regulation of the land and naval forces.

14. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

15. To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States; reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by congress.

16. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of congress, become the seat of government of the United States; and to exercise like authority over all places purchased, by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

17. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

#### SECTION 9.—GENERAL PROHIBITIONS.

1. The migration or importation of such persons as any of the States now existing shall think proper to

admit, shall not be prohibited by the congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation not exceeding ten dollars for each person.

2. The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

3. No bill of attainder, or *ex post facto* law shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

5. No tax or duty shall be laid on any articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear or pay duties in another.

6. No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the congress, accept of any present, emolument, office, of any kind whatever, from any king, prince, or foreign state.

#### SECTION 10.—PROHIBITIONS UPON THE STATES.

1. *Absolute*.—No State shall (1) enter into any treaty, alliance or confederation; (2) grant letters of marque

and reprisal; (3) coin money; (4) emit bills of credit; (5) make any thing but gold and silver coin a tender in payment of debts; (6) pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts; or (7) grant any title of nobility.

2. *Except by Consent of Congress.*—No State shall, without consent of congress, (1) lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports shall be for the use of the treasury of the United States, and all such laws shall be subject to the revision and control of the congress. No State shall, without the consent of the congress, (2) lay any duty of tonnage, (3) keep troops or ships of war in time of peace, (4) enter into any agreement or compact with another State, or with a foreign power, or (5) engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

## ARTICLE II—Executive.

### SECTION 1.—THE PRESIDENT AND VICE-PRESIDENT.

1. *Election.*—The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years; and together with the vice-president chosen for the same term, be elected as follows:

2. Each State shall appoint, in such manner as the legislature thereof may direct a number of electors equal to the whole number of senators and representatives to which the State may be entitled in the congress; but no senator or representative, or person holding an office of



trust or profit under the United States, shall be appointed an elector.

(Paragraph 3 has been superseded and annulled by 12th amendment.)

4. The congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

5. *Qualifications.*—No person, except (1) a natural born citizen or a citizen of the United States at the time of the adoption of this constitution shall be eligible to the office of president; neither shall any person be eligible to that office who shall not have (2) attained to the age of thirty-five years, and (3) been fourteen years a resident within the United States.

6. *Vacancy.*—In case of the removal of the president from office, or of his death, resignation or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president; and the congress may, by law, provide for the case of removal, death, resignation or inability, both of the president and vice-president, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

7. *Salary.*—The president shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the United States, or any of them.

8. *Oath.*—Before he enter on the execution of his office, he shall take the following oath of affirmation:

“ I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States; and will, to the best of my ability, preserve, protect and defend the constitution of the United States.”

### SECTION 2.—POWERS.

1. The president shall be (1) commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States. He may (2) require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall (3) have power to grant reprieves and pardon for offences against the United States, except in cases of impeachment.

2. He shall (4) have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur; and he shall (5) nominate, and by and with the advice and consent of the senate shall appoint, (*a*) ambassadors, (*b*) other public ministers and consuls, (*c*) judges of the supreme court, and (*d*) all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law. But the congress may, by law, vest the appointment of such inferior officers as they think proper, in the president alone, in the courts of law, or in the heads of departments.

3. The president shall (6) have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

## SECTION 3.

1. He shall, from time to time, (7) give to the congress information of the state of the Union, and (8) recommend to their consideration such measures as he shall judge necessary and expedient. He may, (9) on extraordinary occasions, convene both houses, or either of them; and in case of disagreement between them with respect to the time of adjournment, he may (10) adjourn them to such time as he shall think proper. He shall (11) receive ambassadors and other public ministers. He shall (12) take care that the laws be faithfully executed; and shall (13) commission all the officers of the United States.

## SECTION 4.—IMPEACHMENTS.

1. The president, vice-president and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery or other higher crimes or misdemeanors.

## ARTICLE III.—Judicial.

## SECTION 1.—COURTS.

1. The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

## SECTION 2.—JURISDICTION.

1. *Extent.*—The judicial power shall extend to (1) all cases in law and equity arising under this constitution,

the laws of the United States and treaties made, or which shall be made under their authority; to (2) all cases affecting ambassadors, other public ministers and consuls; to (3) all cases of admiralty and maritime jurisdiction; to (4) controversies to which the United States shall be a party; to controversies (5) between two or more States; (6) between a State and citizens of another State; (7) between citizens of different States; (8) between citizens of the same State claiming lands under grants of different States and (9) between a State, or the citizens thereof, and foreign States, citizens or subjects.

2. *Original and appellate.*—In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the congress may make.

3. *Criminal.*—The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the congress may by law have directed.

### SECTION 3.—TREASON.

1. *Definition and proof.*—Treason against the United States shall consist only in levying war against them or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless

on the testimony of two witnesses to the same overt act, or on confession in open court.

2. *Limit.*—The congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attained.

#### ARTICLE IV.—Relations of States.

##### SECTION 1.—PUBLIC RECORDS.

1. Full faith and credit shall be given in each State to the public acts, records and judicial proceedings of every other State; and the congress may, by general laws, prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

##### SECTION 2.—RIGHTS OF CITIZENS.

1. *In other States.*—The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. *Extradition.*—A person charged in any State with treason, felony or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. *A relic of slavery.*—No person held to service or labor in one State under the laws thereof, escaping into another shall, in consequence of any law or regulation therein, be discharged from such services or labor; but shall be delivered upon claim of the party to whom such service or labor may be due.

**SECTION 3.—NEW STATES AND TERRITORIES.**

1. *New States.*—New States may be admitted by the congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the congress.

2. *Territories.*—The congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

**SECTION 4.—NATIONAL PROTECTION.**

1. The United States shall guarantee to every State in this union a republican form of government, and shall protect each of them against invasion; and, on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

**ARTICLE V.—Amendments.**

1. The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution; or, on the applications of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution when ratified by the legislatures of three-fourths of the several States, or in conventions of

three-fourths thereof, as the one or the other mode of ratification may be proposed by congress; provided that no amendment, which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clause in the ninth section of the first article, and that no State without its consent, shall be deprived of its equal suffrage in the senate.

### ARTICLE VI.—Sundry Provisions.

1. *National debts*.—All debts contracted and engagements entered into before the adoption of this constitution shall be as valid against the United States under this constitution, as under the confederation.

2. *National law supreme*.—This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

3. *Oaths*.—The senators and representatives before mentioned, and members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

### ARTICLE VII.—Establishment.

1. The ratification of the conventions of nine States shall be sufficient for the establishment of this constitution between the States so ratifying the same.

[Constitution ratified by States 1787—1790.]

## AMENDMENTS.

### I.—Freedom of Religion, Speech, and Petition.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.—(1791.)

### II.—Arms.

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.—(1791.)

### III.—Quartering of Soldiers.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.—(1791.)

### IV.—Search Warrants.

The right of the people to be secure in their persons, houses, paper and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.—(1791.)

### V.—Criminal Proceedings.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual



service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.—(1791.)

#### **VI.—Criminal Proceedings.**

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence. (1791.)

#### **VII.—Trial by Jury.**

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.—(1791.)

#### **VIII.—Excessive Punishment.**

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. (1791.)

#### **IX.—Rights Not Named.**

The enumeration in the constitution of certain rights

shall not be construed to deny or disparage others retained by the people.—(1791.)

### **X.—Powers Reserved.**

The powers not delegated to the United States by the constitution, nor prohibited to it by the States, are reserved to the States respectively, or to the people.—(1791.)

### **XI.—Suits against States.**

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.—(1793.)

### **XII.—Election of President.**

1. The electors shall meet in their respective State, and vote by ballot for president and vice-president, one of whom at least shall not be an inhabitant of the same State with themselves. They shall name in their ballots the persons voted for as president, and in distinct ballots the person voted for as vice-president; and they shall make distinct lists of all persons voted for as president, and for all persons voted for as vice-president, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all of the certificates, and the votes shall be counted. The person having the greatest number of votes for president shall be president, if such number be a ma-

jority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest number, not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of the States shall be necessary to a choice. And if the house of representatives shall not choose a president, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president as in case of death or other constitutional disability of the president.

2. The person having the greatest number of votes as vice-president shall be the vice-president, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the senate shall choose the vice-president. A quorum for the purpose shall consist of two-thirds of the number of senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of president shall be eligible to that of vice-president of the United States.—(1804.)

### XIII.—Slavery.

1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have

been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

2. Congress shall have power to enforce this article by appropriate legislation.—(1865.)

#### XIV.—Civil Rights.

1. *Civil rights*.—All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

2. *Apportionment of representatives*.—Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice-president of the United States, representatives in congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male persons shall bear to the whole number of male citizens twenty-one years of age in such State.

3. *Political disabilities.*—No person shall be a senator or representative in congress, or elector of president and vice-president, or hold any office, civil or military, under the United States, or under any State, who having previously taken an oath as a member of congress, or as an officer of the United States, or as any member of any State legislature, or as an executive or judicial officer of any State, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But congress may, by a two-thirds vote of each house, remove such disability.

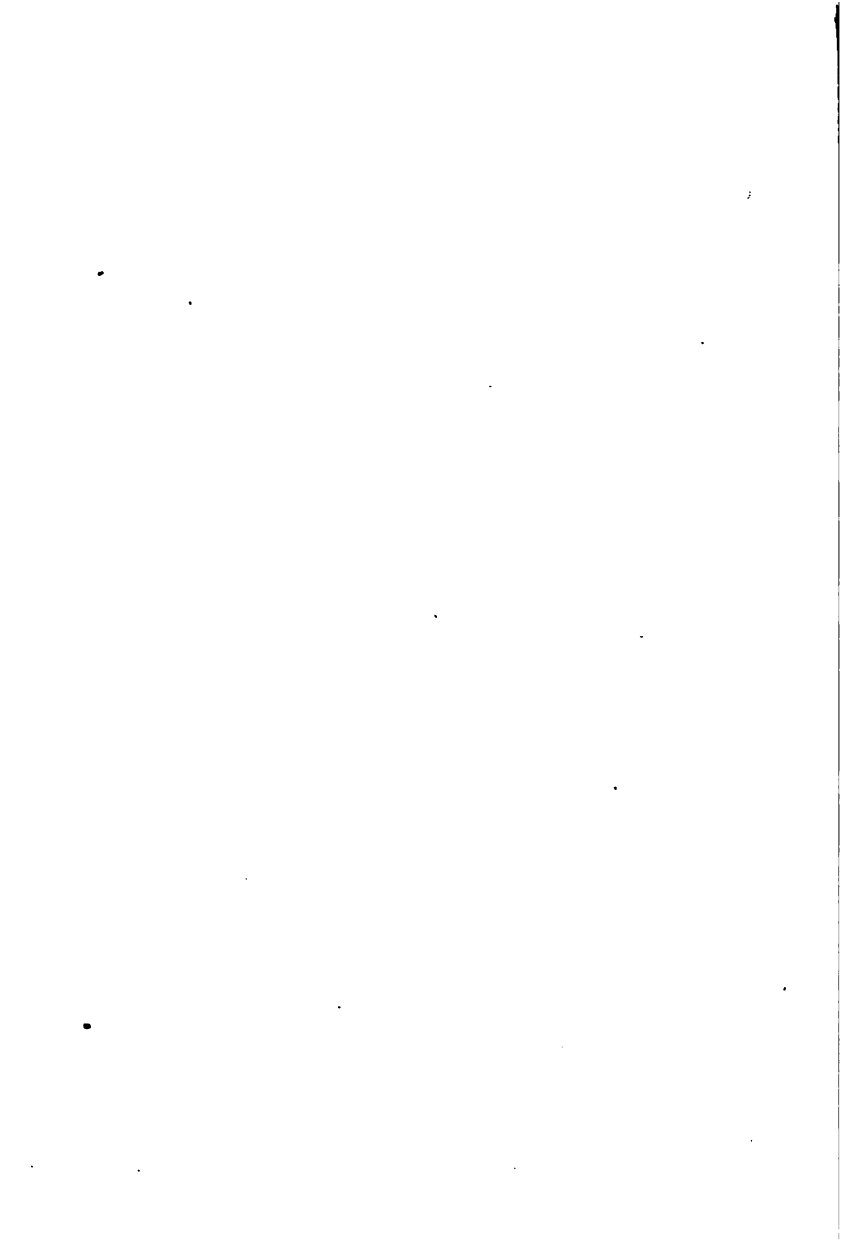
4. *Public debt.*—The validity of the public debt of the United States authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection and rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

5. The congress shall have power to enforce, by appropriate legislation, the provisions of this article.—(1868.)

### XV.—Suffrage.

1. The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

2. The congress shall have power to enforce this article by appropriate legislation.—(1870.)



# THE CONSTITUTION OF THE STATE OF NEW YORK.

ADOPTED NOVEMBER 3, 1846

AS AMENDED AND IN FORCE JANUARY 1, 1889.

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WE THE PEOPLE of the State of New York, grateful to Almighty God for our Freedom, in order to receive its blessings, DO ESTABLISH THIS CONSTITUTION.

## ARTICLE I.—Individual Rights.

1. *Disfranchisement*.—No member of this State shall be disfranchised, or deprived of any of the rights or privileges secured to any citizens thereof unless by the law of the land, or the judgment of his peers.

2. *Trial by jury*.—The trial by jury in all cases in which it has been heretofore used, shall remain inviolate forever; but a jury trial may be waived by the parties in all civil cases in the manner to be prescribed by law.

3. *Religious liberty*.—The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State to all mankind; and no person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

4. *Habeas corpus*.—The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require its suspension.

5. *Bail, fines*.—Excessive bail shall not be required nor excessive fines imposed, nor shall cruel and unusual punishments be inflicted, nor shall witnesses be unreasonably detained.

6. *Grand jury*.—No person shall be held to answer for a capital or otherwise infamous crime (except in cases of impeachment, and in cases of militia when in actual service; and the land and naval forces in time of war, or which this State may keep, with the consent of Congress, in time of peace; and in cases of petit larceny, under the regulation of the Legislature,) unless on presentment or indictment of a grand jury; and in any trial in any court whatever the party accused shall be allowed to appear and defend in person and with counsel as in civil actions. No person shall be subject to be twice put in jeopardy for the same offence; nor shall he be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use, without just compensation.

7. *Private property and roads*.—When private property shall be taken for any public use the compensation to be made therefor, when such compensation is not made by the State, shall be ascertained by a jury or by not less than three commissioners appointed by a court of record, as shall be prescribed by law. Private roads



may be opened in the manner to be prescribed by law; but in every case the necessity of the road, and the amount of all damage to be sustained by the opening thereof, shall be first determined by a jury of freeholders, and such amount, together with the expenses of the proceeding, shall be paid by the person to be benefited.

8. *Free speech and press.*—Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions or indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury, that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

9. *Appropriation bills.*—The assent of two-thirds of the members elected to each branch of the Legislature, shall be requisite to every bill appropriating the public moneys or property for local or private purposes.

10. *Petitions, divorces, lotteries.*—No law shall be passed abridging the right of the people peaceably to assemble and to petition the government, or any department thereof; nor shall any divorce be granted, otherwise than by due judicial proceedings; nor shall any lottery hereafter be authorized or any sale of lottery tickets allowed within this State.

11. *Property in lands.*—The people in this State, in their right of sovereignty are deemed to possess t

original and ultimate property in and to all lands within the jurisdiction of the State; and all lands the title to which shall fail, from a defect to heirs, shall revert, or escheat to the people.

12. *Feudal tenures*.—All feudal tenures of every description, with all their incidents, are declared to be abolished, saving however all rents and services certain which at any time heretofore have been lawfully created or reserved.

13. *Allodial tenure*.—All lands within this State are declared to be allodial, so that, subject only to the liability to escheat, the entire and absolute property is vested in the owners, according to the nature of their respective estates.

14. *Limit of leases*.—No lease or grant of agricultural land, for a longer period than twelve years, hereafter made, in which shall be reserved any rent or service of any kind, shall be valid.

15. *Fines, quarter sales*.—All fines, quarter sales, or other like restraints upon alienation reserved in any grant of land, hereafter to be made, shall be void.

16. *Indian lands*.—No purchase or contract for the sale of lands in this State made since the fourteenth day of October, one thousand seven hundred and seventy-five, or which may hereafter be made, of, or with the Indians, shall be valid, unless made under the authority, and with the consent of the Legislature.

17. *Codification of laws*.—Such parts of the common law, and of the acts of the Legislature of the Colony of New York, as together did form the law of the said Colony, on the nineteenth day of April, one thousand

seven hundred and seventy-five, and the resolutions of the Congress of the said Colony, and of the convention of the State of New York, in force on the twentieth day of April, one thousand seven hundred and seventy-seven, which have not since expired, or been repealed or altered; and such acts of the Legislature of this State as are now in force, shall be and continue the law of this State, subject to such alterations as the Legislature shall make concerning the same. But all such parts of the common law and such of the said acts, or parts thereof, as are repugnant to this constitution, are hereby abrogated; and the Legislature, at its first session after the adoption of this constitution, shall appoint three commissioners, whose duty it shall be to reduce into a written and systematic code the whole body of the law of this State, or so much and such parts thereof as to the said commissioners shall seem practicable and expedient. And the said commissioners shall specify such alterations and amendments therein as they shall deem proper, and they shall at all times make reports of their proceedings to the Legislature, when called upon to do so; and the Legislature shall pass laws regulating the tenure of office, the filling of vacancies therein, and the compensation of the said commissioners, and shall also provide for the publication of the said code, prior to its being presented to the Legislature for adoption.

18. *Grants of land.*—All grants of land within the State, made by the king of Great Britain, or persons acting under his authority, after the fourteenth day of October, one thousand seven hundred and seventy-five, shall be null and void; but nothing contained in this constitution shall affect any grants of land within this

State, made by the authority of the said king or his predecessors, or shall annul any charters to bodies politic and corporate, by him or them made, before that day; or shall affect any such grants or charters since made by this State, or by persons acting under its authority; or shall impair the obligation of any debts contracted by the State, or individuals, or bodies corporate, or any other rights of property, or any suits, actions, rights of action, or other proceedings in courts of justice.

#### ARTICLE II.—Voters.

1. *Qualifications.*—Every (1) male citizen (2) of the age of twenty-one years who shall have been (3) a citizen for ten days and (4) an inhabitant of this State one year next preceding an election, and (5) for the last four months a resident of the county and (6) for the last thirty days a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to the vote of the people, provided that in time of war no elector in the actual military service of the State, or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the Legislature shall have power to provide the manner in which and the time and place at which such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.

2. *Bribery.*—No person who shall receive, expect or offer to receive, or pay, offer or promise to pay, con-

tribute, offer or promise to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at an election, or who shall make any promise to influence the giving or withholding any such vote, or who shall make or become directly or indirectly interested in any bet or wager depending upon the result of any election, shall vote at such election; and upon challenge for such cause, the person so challenged, before the officers authorized for that purpose shall receive his vote, shall swear or affirm before such officers that he has not received or offered, does not expect to receive, has not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at such election, and has not made any promise to influence the giving or withholding of any such vote, nor made or become directly or indirectly interested in any bet or wager depending upon the result of such election. The Legislature, at the session thereof next after the adoption of this section, shall, and from time to time thereafter may, enact laws excluding from the right of suffrage all persons convicted of bribery or of any infamous crime.

3. *Residence*.—For the purpose of voting, no person shall be deemed to have gained or lost a residence, by reason of his presence or absence, while employed in the service of the United States; nor while engaged in the navigation of the waters of this State, or of the United States, or the high seas; nor while a student of any seminary of learning; nor while kept at any alms-house,

or other asylum, at public expense; nor while confined in any public prison.

4. *Enactments*.—Laws shall be made for ascertaining by proper proofs the citizens who shall be entitled to the right of suffrage hereby established.

5. *Election by ballot*.—All elections by the citizens shall be by ballot, except for such town officers as may by law be directed to be otherwise chosen.

### ARTICLE III.—The Legislature.

1. *Two Houses*.—The legislative power of this State shall be vested in a Senate and Assembly.

2. *How constituted*.—The Senate shall consist of thirty-two members, and the Senators shall be chosen for two years. The Assembly shall consist of one hundred and twenty-eight members, who shall be annually elected.

3. *Senate districts*.—The Senate shall be divided into thirty-two districts, to be called Senate districts, each of which shall choose one Senator. The districts shall be numbered from one to thirty-two inclusive.\*

4. *How altered*.—An enumeration of the inhabitants of the State shall be taken, under the direction of the Legislature, in the year one thousand eight hundred and fifty-five, and at the end of every ten years thereafter; and the said districts shall be so altered by the Legislature, at the first session after the return of every enumeration, that each Senate district shall contain, as nearly as may be, an equal number of inhabitants, excluding aliens, and persons of color not taxed; and shall

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\*For existing Senate districts, see pages 52, 53, Northam's Civil Government.

remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a Senate district, except such county shall be equitably entitled to two or more senators.

5. *Assembly districts.*—The Assembly shall consist of one hundred and twenty-eight members, elected for one year. The members of Assembly shall be apportioned among the several counties of the State, by the Legislature, as nearly as may be, according to the number of their respective inhabitants, excluding aliens, and shall be chosen by single districts.\* The Assembly districts shall remain as at present organized, until after the enumeration of the inhabitants of the State, in the year eighteen hundred and seventy-five. The Legislature, at its first session after the return of every enumeration, shall apportion the Members of Assembly among the several counties of the State, in manner aforesaid, and the board of supervisors in such counties as may be entitled, under such apportionment, to more than one member, except the city and county of New York, and in said city and county the board of aldermen of said city shall, assemble at such time as the Legislature making such apportionment shall prescribe, and divide their respective counties into Assembly districts, each of which districts shall consist of convenient and contiguous territory, equal to the number of members of Assembly to which such counties shall be entitled; and shall cause to be filed in the offices of the Secretary of State and of the clerks of their respective counties a description of such dis-

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\* For existing Assembly Districts, see pages 53, 54, Northam's Civil Government.

tricts, specifying the number of each district and the population thereof, according to the last preceding enumeration as near as can be ascertained; and the apportionment and districts shall remain unaltered until another enumeration shall be made as herein provided. No town shall be divided in the formation of Assembly districts. Every county heretofore established and separately organized, except the county of Hamilton, shall always be entitled to one member of the Assembly, and no new county shall be hereafter erected, unless the population shall entitle it to a member. The county of Hamilton shall elect with the county of Fulton, until the population of the county of Hamilton, shall according to the ratio, be entitled to a member. But the Legislature may abolish the said county of Hamilton, and annex the territory thereof to some other county or counties. Nothing in this section shall prevent division at any time of counties and towns, and the erection of new towns and counties by the Legislature.

6. *Salary of members.*—Each member of the Legislature shall receive for his services an annual salary of one thousand five hundred dollars. The members of either house shall also receive the sum of one dollar for every ten miles they shall travel, in going to and returning from their place of meeting, once in each session, on the most usual route. Senators, when the Senate alone is convened in extraordinary session, or when serving as members of the Court for the trial for impeachments, and such members of the Assembly, not exceeding nine in number, as shall be appointed managers of an impeachment, shall receive an additional allowance of ten dollars a day.



7. *Prohibitions.*—No member of the Legislature shall receive any civil appointment within this State, or the Senate of the United States, from the Governor, the Governor and Senate, or from the Legislature, or from any city government during the time for which he shall have been elected; and all such appointments and all votes given for any such member for any such office or appointment shall be void.

8. *Disqualifications.*—No person shall be eligible to the Legislature who, at the time of his election, is, or within one hundred days previous thereto has been, a member of congress, a civil or military officer under the United States, or an officer under any city government; and if any person shall, after election as a member of the Legislature, be elected to Congress, or appointed to any office, civil or military, under the government of the United States, or under any city government, his acceptance thereof shall vacate his seat.

9. *Election.*—The elections of Senators and Members of Assembly, pursuant to the provisions of this Constitution, shall be held on the Tuesday succeeding the first Monday of November, unless otherwise directed by the Legislature.

10. *Rules of the house.*—A majority of each house shall constitute a quorum to do business. Each house shall determine the rules of its own proceedings, and be the judge of the elections, returns and qualifications of its own members; shall choose its own officers; and the Senate shall choose a temporary president, when the Lieutenant Governor shall not attend as president, or shall act as Governor.

11. *Journals*.—Each house shall keep a journal of its proceedings, and publish the same, except such parts as may require secrecy. The doors of each house shall be kept open, except when the public welfare shall require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days.

12. *Privilege*.—For any speech or debate in either house of the Legislature, the member shall not be questioned in any other place.

13. *Bills*.—Any bill may originate in either house of the Legislature, and all bills passed by one house may be amended by the other.

14. *Enacting clause*.—The enacting clause of all bills shall be, 'The people of the State of New York, represented in Senate and Assembly, do enact as follows,' and no law shall be enacted except by bill.

15. *Majority*.—No bill shall be passed unless by the assent of a majority of all the members elected to each branch of the Legislature, and the question upon the final passage shall be taken immediately upon its last reading and the yeas and nays entered on the journal.

16. *Private bills*.—No private or local bill, which may be passed by the Legislature, shall embrace more than one subject, and that shall be expressed in the title.

17. *Restrictions*.—No act shall be passed which shall provide that any existing law, or any part thereof, shall be made or deemed a part of said act, or which shall enact that any existing law or part thereof, shall be applicable, except by inserting it in such act.

18. *Further restrictions.*—The Legislature shall not pass a private or local bill in any of the following cases:

Changing the names of persons.

Laying out, opening, altering, working or discontinuing roads, highways or alleys, or for draining swamps or other low lands.

Locating or changing county seats.

Providing for changes of venue in civil or criminal cases.

Incorporating villages.

Providing for election of members of boards of supervisors.

Selecting, drawing, summoning or impaneling grand or petit jurors.

Regulating the rate of interest on money.

The opening and conducting of elections or designating places of voting.

Creating, increasing or decreasing fees, percentage or allowances of public officers, during the term for which said officers are elected or appointed.

Granting to any corporation, association or individual the right to lay down railroad tracks.

Granting to any private corporation, association or individual any exclusive privilege, immunity or franchise whatever.

Providing for building bridges, and chartering companies for such purposes, except on the Hudson river below Waterford, and on the East river, or over the waters forming a part of the boundaries of the State.

The Legislature shall pass general laws providing for the cases enumerated in this section, and for all other cases which in its judgment may be provided for by

general laws. But no law shall authorize the construction or operation of a street railroad except upon the condition that the consent of the owners of one-half in value the property bounded on, and the consent also of the local authorities having the control of that portion of a street or highway upon which it is proposed to construct or operate such railroad be first obtained; or in case the consent of such property owners cannot be obtained, the general term of the supreme court, in the district in which it is proposed to be constructed, may, upon application, appoint three commissioners who shall determine, after a hearing of all parties interested, whether such railroad ought to be constructed or operated, and their determination, confirmed by the court, may be taken in lieu of the consent of the property owners.

19. *Auditing*.—The Legislature shall neither audit nor allow any private claim or account against the State, but may appropriate money to pay such claims as shall have been audited and allowed according to law.

20. *Tax bills*.—Every law which imposes, continues or revives a tax shall distinctly state the tax and the object to which it is to be applied, and it shall not be sufficient to refer to any other law to fix such tax or object.

21. On the final passage, in either house of the Legislature, of any act which imposes, continues or revives a tax, or creates a debt or charge, or makes, continues or revives any appropriation of public or trust money or property, or releases, discharges or commutes any claim or demand of the State, the question shall be taken by

yeas and nays, which shall be duly entered upon the journals, and three-fifths of all the members elected to either house shall, in all such cases, be necessary to constitute a quorum therein.

22. *Supervisors.*—There shall be in the several counties, except in cities whose boundaries are the same as those of the county, a board of supervisors, to be composed of such members, and elected in such manner, and for such period, as is or may be provided by law. In any such city the duties and powers of a board of supervisors may be devolved upon the common council or board of aldermen thereof.

23. *Local legislation.*—The Legislature shall, by general laws, confer upon the boards of supervisors of the several counties of the State, such further powers of local legislation and administration as the legislature may from time to time deem expedient.

24. *Compensation.*—The Legislature shall not, nor shall the common council of any city nor any board of supervisors, grant any extra compensation to any public officer, servant, agent or contractor.

25. *Restriction on 17, 18.*—Sections seventeen and eighteen of this article shall not apply to any bill, or the amendments to any bill, which shall be reported to the Legislature by Commissioners who have been appointed pursuant to law to revise the Statutes.

#### ARTICLE IV.—Executive Department.

1. *Officers.*—The executive power shall be vested in a Governor, who shall hold his office for three years; a Lieutenant-Governor shall be chosen at the same time, and for the same term. The Governor and Lieutenant'

Governor elected next preceeding the time when this section shall take effect shall hold office during the term for which they were elected.

2. *Eligibility.*—No person shall be eligible to the office of Governor or Lieutenant-Governor, except (1) a citizen of the United States, (2) of the age of not less than thirty years, and (3) who shall have been five years, next preceding his election, a resident of this State.

3. *Election.*—The Governor and Lieutenant-Governor shall be elected at the times and places of choosing members of the Assembly. The persons respectively having the highest number of votes for Governor and Lieutenant-Governor, shall be elected; but in case two or more shall have an equal and the highest number of votes for Governor, or for Lieutenant-Governor, the two houses of the Legislature, at its next annual session, shall, forthwith, by joint ballot, choose one of the said persons so having an equal and the highest number of votes for Governor or Lieutenant-Governor.

4. *Duties of the Governor.*—The Governor shall be Commander-in-Chief of the military and naval forces of the State. He shall have power to convene the Legislature (or the Senate only) on extraordinary occasions. At extraordinary sessions no subject shall be acted upon, except such as the Governor may recommend for consideration. He shall communicate by message to the Legislature at every session the condition of the State, and recommend such matters to them as he shall judge expedient. He shall transact all necessary business with the officers of government, civil and military. He shall expedite all such measures as may be resolved

upon by the Legislature, and shall take care that the laws are faithfully executed. He shall receive for his services an annual salary of ten thousand dollars, and there shall be provided for his use a suitable and furnished executive residence.

5. *Pardons.*—The Governor shall have the power to grant reprieves, commutations and pardons after conviction, for all offences except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have power to suspend the execution of the sentence, until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall annually communicate to the Legislature each case of reprieve, commutation or pardon granted; stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the commutation, pardon or reprieve.

6. *Power may devolve on the Lt. Gov.*—In case of impeachment of the governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of war, at the head of a military

force thereof, he shall continue commander-in-chief of all the military forces of the State.

7. *Duties of Lt. Governor.*—The Lieutenant-Governor shall possess the same qualifications of eligibility for office as the Governor. He shall be president of the Senate, but shall have only a casting vote therein. If, during a vacancy the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the president of the Senate shall act as Governor until the vacancy be filled, or the disability shall cease.

8. *Salary.*—The Lieutenant-Governor shall receive for his services an annual salary of five thousand dollars, and shall not receive or be entitled to any other compensation, fee or perquisite for any duty or service he may be required to perform by the constitution or by law.

9. *The veto.*—Every bill which shall have passed the Senate and Assembly shall, before it becomes a law, be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it with his objections to the house in which it shall have originated, which shall enter the objections at large on the journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members elected to that house shall agree to pass the bill, it shall be sent together with the objections to the other house by which it shall likewise be reconsidered; and if approved by two-thirds of the members elected to that house, it shall become a law notwithstanding the objections of the Governor. In



all such cases the votes in both houses shall be determined by yeas and nays, and the names of the members voting shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature shall by their adjournment, prevent its return, in which case it shall not become a law without the approval of the Governor. No bill shall become a law after the final adjournment of the Legislature, unless approved by the Governor within thirty days after such adjournment. If any bill presented to the Governor contain several items of appropriation of money, he may object to one or more of such items while approving of the other portion of the bill. In such case, he shall append to the bill, at the time of signing it, a statement of the items to which he objects; and the appropriation so objected to shall not take effect. If the Legislature be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If, on reconsideration, one or more of such items be approved by two-thirds of the members elected to each house, the same shall be part of the law, notwithstanding the objections of the Governor. All the provisions of this section, in relation to bills not approved by the Governor, shall apply in cases in which he shall withhold his approval from any item or items contained in a bill appropriating money.

**ARTICLE V.—Other State Officers.**

1. *Secretary of State, Comptroller, Treasurer, Attorney-General.*—The Secretary of State, Comptroller, Treasurer, and Attorney-General shall be chosen at a general election, and shall hold their offices for two years. Each of the officers in this article named (except the Speaker of the Assembly) shall at stated times during his continuance in office, receive for his services a compensation, which shall not be increased or diminished during the term for which he shall have been elected; nor shall he receive, to his use, any fees or perquisites of office, or other compensation.

2. *Engineer and Surveyor.*—A State Engineer and Surveyor shall be chosen at a general election, and shall hold his office two years; but no person shall be elected to said office who is not a practical engineer.

3. *Superintendent of Public Works.*—The Superintendent of Public Works shall be appointed by the Governor, by and with the advice and consent of the Senate, and hold his office until the end of the term of the Governor by whom he was nominated, and until his successor is appointed and qualified. He shall receive a compensation to be fixed by law. He shall be required by law to give security for the faithful execution of his office before entering upon the duties thereof. He shall be charged with the execution of all laws relating to the repair and navigation of the canals, and also of those relating to the construction and improvement of the canals, except so far as the execution of the laws relating to such construction or improvement shall be confided to the State Engineer and Surveyor; subject

to the control of the Legislature, he shall make the rules and regulations for the navigation or use of the canals. He may be suspended or removed from office by the Governor, whenever, in his judgment, the public interest shall so require; but in case of the removal of such Superintendent of Public Works from office, the Governor shall file with the Secretary of State a statement of the cause of such removal, and shall report such removal, and the cause thereof, to the Legislature at its next session.

The Superintendent of Public Works shall appoint not more than three assistant superintendents, whose duties shall be prescribed by him, subject to modification by the Legislature, and who shall receive for their services a compensation to be fixed by law. They shall hold their office for three years, subject to suspension or removal by the Superintendent of Public Works, whenever, in his judgment, the public interest shall so require. Any vacancy in the office of any such assistant-superintendent shall be filled for the remainder of the term for which he was appointed, by the Superintendent of Public Works; but in case of the suspension or removal of any such assistant-superintendent by him, he shall at once report to the Governor, in writing, the cause of such removal. All other persons employed in the care and management of the canals, except collectors of tolls, and those in the department of the State Engineer and Surveyor, shall be appointed by the Superintendent of Public Works, and be subject to suspension or removal by him. The office of Canal Commissioner is abolished from and after the appointment and qualification of the Superintendent of Public Works, until which time th-

Canal Commissioners shall continue to discharge their duties as now provided by law. The Superintendent of Public Works shall perform all the duties of the Canal Commissioners and board of Canal Commissioners, as now declared by law, until otherwise provided by the Legislature. The Governor, by and with the advice and consent of the Senate, shall have power to fill vacancies in the office of Superintendent of Public Works; if the Senate be not in session, he may grant commissions which shall expire at the end of the next succeeding session of the Senate.

4. *Supt. of State Prisons.*—A Superintendent of State Prisons shall be appointed by the Governor, by and with the advice and consent of the Senate, and hold his office for five years unless sooner removed; he shall give security in such amount, and with such sureties as shall be required by law for the faithful discharge of his duties; he shall have the superintendence, management and control of State Prisons, subject to such laws as now exist or may hereafter be enacted; he shall appoint the agents, wardens, physicians and chaplains of the prisons. The agent and warden of each prison shall appoint all other officers of such prison, except the clerk, subject to the approval of the same by the Superintendent. The Comptroller shall appoint the clerks of the prisons. The Superintendent shall have all the powers and perform all the duties not inconsistent herewith, which have heretofore been had and performed by the Inspectors of State Prisons; and from and after the time when such Superintendent of State Prisons shall have been appointed and qualified, the office of Inspector of State Prisons shall be and hereby is abol-

ished. The Governor may remove the Superintendent for cause at any time, giving to him a copy of the charges against him, and an opportunity to be heard in his defence.

5. *Commissioners of the Land Office.*—The Lieutenant-Governor, Speaker of the Assembly, Secretary of State, Comptroller, Treasurer, Attorney-General, and State Engineer and Surveyor, shall be the Commissioners of the Land Office. The Lieutenant-Governor, Secretary of State, Comptroller, Treasurer, and Attorney-General shall be the Commissioners of the Canal Fund. The Canal Board shall consist of the Commissioners of the Canal Fund, the State Engineer and Surveyor, and the Canal Commissioners.

6. *Powers and duties.*—The powers and duties of the respective Boards, and of the several officers in this article mentioned, shall be such as now are or hereafter may be prescribed by law.

7. *Treasurer may be suspended.*—The Treasurer may be suspended from office by the Governor, during the recess of the Legislature, and until thirty days after the commencement of the next session of the Legislature, whenever it shall appear to him that such Treasurer has, in any particular, violated his duty. The Governor shall appoint a competent person to discharge the duties of the office, during such suspension of the Treasurer.

8. *Certain offices abolished.*—All offices for the weighing, gauging, measuring, culling or inspecting any merchandise, produce, manufacture or commodity whatever, are hereby abolished, and no such office shall here-

after be created by law; but nothing in this section contained, shall abrogate any office created for the purpose of protecting the public health or the interests of the State in its property, revenue, tolls, or purchases, or of supplying the people with correct standards of weights and measures, or shall prevent the creation of any office for such purposes hereafter.

#### ARTICLE VI.—Judiciary.

1. *Impeachment.* — The Assembly shall have the power of impeachment, by a vote of a majority of all the members elected. The court for the trial of impeachment shall be composed of the President of the Senate, the Senators, or a major part of them, and the Judges of the Court of Appeals, or the major part of them. On the trial of an impeachment against the Governor, the Lieutenant-Governor shall not act as a member of the court. No judicial officer shall exercise his office, after articles of impeachment against him shall have been preferred to the Senate, until he shall have been acquitted. Before the trial of an impeachment, the members of the court shall take an oath or affirmation, truly and impartially to try the impeachment, according to evidence; and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office, or removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under ~~this~~ State; but the party impeached shall be liable to indictment and punishment according to law.

2. *Court of Appeals.*—There shall be a Court of Appeals, composed of a Chief Judge and six Associate

Judges, who shall be chosen by the electors of the State, and shall hold their office for the term of fourteen years from and including the first day of January next after their election. At the first election of judges, under this Constitution, every elector may vote for the Chief and only four of the associate Judges. Any five members of the court shall form a quorum, and the concurrence of four shall be necessary to a decision. The court shall have the appointment, with the power of removal, of its reporter and clerk, and of such attendants as may be necessary.

3. *Vacancies filled.*—When a vacancy shall occur, otherwise than by expiration of term, in the office of Chief or Associate Judge of the Court of Appeals, the same shall be filled, for a full term, at the next general election happening not less than three months after such vacancy occurs; and until the vacancy shall be so filled, the Governor by and with the advice and consent of the Senate, if the Senate shall be in session, or if not the Governor alone may appoint to fill such vacancy. If any such appointment of Chief Judge shall be made from among the associate judges, a temporary appointment of associate judge shall be made in like manner; but in such case, the person appointed Chief Judge shall not be deemed to vacate his office of associate judge any longer than until the expiration of his appointment as Chief Judge. The powers and jurisdiction of the court shall not be suspended for want of appointment or election, when the number of judges is sufficient to constitute a quorum. All appointments under this section shall continue until and including the last day

of December next after the election at which the vacancy shall be filled.

(Sections 4 and 5 were temporary provisions, now obsolete.)

6. *Supreme Court.*—There shall be the existing Supreme Court, with general jurisdiction in law and equity, subject to such appellate jurisdiction of the Court of Appeals as now is or may be prescribed by law; and it shall be composed of the justices now in office, with one additional justice, to be elected as hereinafter provided, who shall be continued during their respective terms, and of their successors. The existing judicial districts of the State are continued until changed pursuant to this section.\* Five of the justices shall reside in the district in which is the city of New York, and four in each of the other districts. The Legislature may alter the districts without increasing the number, once after every enumeration, under this Constitution, of the inhabitants of the State.

Whenever and as often as there shall be such an accumulation of causes on the calendar of the Court of Appeals that the public interest requires a more speedy disposition thereof, the said court may certify such fact to the Governor, who shall thereupon designate seven Justices of the Supreme Court to act as Associate Justices for the time being of the Court of Appeals and to form a second division of said court, and who shall act as such until all the causes upon the said calendar at the time of making such certificate are determined, or the Judges of said court elected as such shall certify to the Governor that such causes are substantially disposed

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\* For judicial districts as now constituted, see Northam's Civil Government, pp. xi, 81, 82.



of; and on receiving such certificate the Governor may declare said second division dissolved, and the designation of Justices to serve thereon shall thereupon expire. The second division of said court hereby authorized to be constituted shall be competent to determine any cause on said calendar which may be assigned to such division by the court composed of Judges elected to serve in the Court of Appeals, and that court may at any time before judgment direct any of the causes so assigned to be restored to its calendar for hearing and decision. The rules of practice in both divisions shall be the same. Five members of the court shall be sufficient to form a quorum for said second division and the concurrence of four shall be necessary for a decision. The Judges composing said second division shall appoint from their number a Chief Justice Judge of such division and the Governor may from time to time when in his judgment the public interests may require change the designation of any Justice of the Supreme Court to serve in such division, and may fill any vacancy occurring therein by designating any Justice of the Supreme Court to fill any vacancy.

Said second division may appoint and remove a crier and such attendants as may be necessary.

The Judges composing said second division shall not during the time of service therein exercise any of the functions of Justices of the Supreme Court nor receive any salary or compensation as such Justice, but in lieu thereof shall during such term of service receive the same compensation as the Associate Judges of the Court of Appeals. They shall have power to appoint the times and places of their sessions within this State

and the Clerk and Reporter of the Court of Appeals shall be the Clerk and Reporter of said second division.

7. *General terms.*—At the first session of the Legislature, after the adoption of this article, and from time to time thereafter as may be necessary, but not oftener than once in five years, provisions shall be made for organizing, in the Supreme Court, not more than four general terms thereof, each to be composed of a presiding justice, and not more than three other justices, who shall be designated according to law, from the whole number of justices. Each presiding justice shall continue to act as such during his term of office. Provisions shall be made by law for holding the general terms of each judicial district. Any justice of the Supreme Court may hold special terms and Circuit Courts, and may preside in Courts of Oyer and Terminer, in any county.

8. *Review of decisions.*—No judge or justice shall sit, at a general term of any court, or in the Court of Appeals, in review of a decision made by him, or by any court of which he was at the time a sitting member. The testimony in equity cases shall be taken in like manner as in cases at law; and except as herein otherwise provided, the Legislature shall have the same power to alter and regulate the jurisdiction and proceedings in law and equity that they have heretofore exercised.

9. *Vacancies filled.*—When a vacancy shall occur, otherwise than by expiration of term, in the office of Justice of the Supreme Court, the same shall be filled, for a full term, at the next general election happening

not less than three months after such vacancy occurs; and until any vacancy shall be so filled, the Governor, by and with the advice and consent of the Senate, if the Senate shall be in session, or if not in session, the Governor may appoint to fill such vacancy. Any such appointment shall continue until and including the last day of December next after the election at which the vacancy shall be filled.

10. *Prohibitions.*—The Judges of the Court of Appeals, and the Justices of the Supreme Court, shall not hold any other office or public trust. All votes for any of them, for any other than a judicial office, given by the Legislature or the people, shall be void.

11. *Removal.*—Judges of the Court of Appeals, and Justices of the Supreme Court, may be removed by concurrent resolution of both houses of the Legislature, if two-thirds of all the members elected to each house concur therein. All judicial officers, except those mentioned in this section, and except Justices of the Peace and Judges and Justices of inferior courts not of record, may be removed by the Senate, on the recommendation of the Governor, if two-thirds of all the members elected to the Senate concur therein. But no removal shall be made, by virtue of this section, unless the cause thereof be entered on the journals, nor unless the party complained of shall have been served with a copy of the charges against him, and shall have had an opportunity of being heard. On the question of removal, the yeas and nays shall be entered on the journal.

12. *City Courts.*—The superior court in the city of New York, the court of common pleas for the city and

county of New York, the superior court of Buffalo, and the city court of Brooklyn are continued with the powers and jurisdiction as they now severally have and such further civil and criminal jurisdiction as may be conferred by law. The superior court of New York shall be composed of the six judges in office at the adoption of this article, and their successors. The court of common pleas of New York, of three judges then in office, and their successors, and three additional judges. The superior court of Buffalo, of the judges now in office, and their successors; and the city court of Brooklyn, of such number of judges, not exceeding three, as may be provided by law. The judges of said courts in office at the adoption of this article are continued until the expiration of their terms. A chief judge shall be appointed by the judges of each of said courts from their own number, who shall act as such during his official term. Vacancies in the office of the judges named in this section, occurring otherwise than by expiration of term, shall be filled in the same manner as vacancies in the supreme court. The Legislature may provide for detailing judges of the superior court and court of common pleas of New York to hold circuits and special terms of the supreme court in that city; and for detailing judges of the city court of Brooklyn, to hold circuits and special terms of the supreme court in Kings county as the public interest may require.

13. *Election.*—Justices of the supreme court shall be chosen by the electors of their respective judicial districts. Judges of all the courts mentioned in the last preceding section shall be chosen by the electors of the cities respectively in which the said courts are instituted.

The official terms of said justices and judges who shall be elected after the adoption of this article shall be fourteen years from and including the first day of January next after their election. But no person shall hold the office of justice or judge of any court longer than until and including the last day of December next after he shall be seventy years of age. The compensation of every judge of the court of appeals, and of every justice of the supreme court whose term of office shall be abridged pursuant to this provision, and who shall have served as such judge or justice ten years or more, shall be continued during the remainder of the term for which he was elected.

14. *Salaries.*—The judges and justices hereinbefore mentioned shall receive for their services a compensation to be established by law, which shall not be diminished during their official terms. Except the Judges of the Court of Appeals and the Justices of the Supreme Court, they shall be paid, and the expenses of their courts defrayed, by the cities or counties in which such courts are instituted, as shall be provided by law.

15. *County courts.*—The existing county courts are continued, and the judges thereof in office at the adoption of this article, shall hold their offices until the expiration of their respective terms. Their successors shall be chosen by the electors of the counties, for the term of six years. The County Courts shall have the powers and jurisdiction they now possess, until altered by the Legislature. They shall also have original jurisdiction in all cases where the defendants reside in the county and in which the damages claimed shall not exceed one thousand dollars; and also such appella<sup>+</sup>

jurisdiction as shall be provided by law, subject, however, to such provision as shall be made by law for the removal of causes into the Supreme Court. They shall also have such other original jurisdiction as shall, from time to time, be conferred upon them by the Legislature. The County Judge, with two Justices of the Peace, to be designated according to law, may hold Courts of Sessions, with such criminal jurisdiction as the Legislature shall prescribe, and he shall perform such other duties as may be required by law. His salary, and the salary of the Surrogate when elected as a separate officer, shall be established by law, payable out of the County Treasury, and shall not be diminished during his term of office. The Justices of the Peace shall be paid, for services in Courts of Sessions, a per diem allowed out of the County Treasury. The County Judge shall also be Surrogate of his county; but in counties having a population exceeding forty thousand, the Legislature may provide for the election of a separate officer to be Surrogate, whose term of office shall be the same as that of the County Judge. The County Judge of any county may preside at Courts of Sessions, or hold County Courts, in any other county, except New York and Kings, when requested by the judge of such other county.

16. *Local judges.*—The Legislature may, on application of the Board of Supervisors, provide for the election of local officers, not to exceed two in any county, to discharge the duties of County Judge and of Surrogate, in cases of their inability, or of a vacancy, and to exercise such other powers in special cases as may be provided by law.

(Section 17 was a temporary provision.)

18. *Justices of the Peace.*—The electors of the several towns shall, at their annual town meeting, and in such manner as the Legislature may direct, elect Justices of the Peace, whose term of office shall be four years. In case of an election to fill a vacancy occurring before the expiration of a full term, they shall hold for the residue of the unexpired term. Their number and classification may be regulated by law. Justices of the Peace, and Judges or Justices of inferior courts not of record and their clerks may be removed, after due notice and an opportunity of being heard by such courts as may be perscribed by law, for causes to be assigned in the order of removal. Justices of the Peace and district court justices shall be elected in the different cities of this State, in such manner, and with such powers, and for such terms, respectively, as shall be prescribed by law; all other judicial officers in cities, whose election or appointment is not otherwise provided for in this article, shall be chosen by the electors of cities, or appointed by some local authority thereof.

19. *Local courts.*—Inferior local courts of civil and criminal jurisdiction may be established by the Legislature; and, except as herein otherwise provided, all judicial officers shall be elected or appointed at such times, and in such manner, as the Legislature may direct.

20. *Clerks.*—Clerks of the several counties shall be Clerks of the Supreme Court, with such powers and duties as shall be prescribed by law. The Clerk of the Court of Appeals shall keep his office at the seat of

government. His compensation shall be fixed by law and paid out of the public treasury.

21. *Fees.*—No judicial officer, except Justices of the Peace, shall receive to his own use any fees or perquisites of office; nor shall any Judge of the Court of Appeals, Justice of the Supreme Court, or Judge of a Court of Record in the cities of New York, Brooklyn or Buffalo, practise as an attorney or counselor in any Court of Record in this State, or act as referee.

22. *Direct review.*—The Legislature may authorize the judgments, decrees and decisions of any Court of Record of original civil jurisdiction, established in a city, to be removed for review directly into the Court of Appeals.

23. *Publication free.*—The Legislature shall provide for the speedy publication of all statutes, and also for the appointment by the Justices of the Supreme Court designated to hold general terms, of a reporter of the decisions of that court. All laws and judicial decisions shall be free for publication by any person.

(Sections 24 and 25 were temporary provisions.)

26. *Special sessions.*—Courts of special sessions shall have such jurisdiction of offences of the grade of misdemeanors as may be prescribed by law.

27. *Surrogates' courts.*—For the relief of Surrogates' Courts, the Legislature may confer upon Courts of Record, in any county having a population exceeding four hundred thousand, the powers and jurisdictions of Surrogates, with authority to try issues of fact by jury in probate causes.

28. *Additional Justices.*—The Legislature at the first session thereof after the adoption of this amendment,



shall provide for organizing the supreme court not more than five general terms thereof; and for the election at the general election next after the adoption of this amendment, by the electors of the judicial districts mentioned in this section, respectively, of not more than two justices of the supreme court in addition to the justices of that court now in office in the first, fifth, seventh and eighth, and not more than one justice of that court in the second, third, fourth and sixth judicial districts. The justices so elected shall be invested with their offices on the first Monday of June next after their election.

#### ARTICLE VII.—State Debts.

1. *Canal debt.*—After paying the expenses of collection, superintendence and ordinary repairs, there shall be appropriated and set apart in each fiscal year out of the revenues of the State Canals, in each year, commencing on the first day of June, one thousand eight hundred and and forty-six, the sum of one million and three hundred thousand dollars until the first day of June, one thousand eight hundred and fifty-five, and from that time the sum of one million and seven hundred thousand dollars in each fiscal year, as a sinking fund to pay the interest and redeem the principal of that part of the State debt called the canal debt, as it existed at the time first aforesaid, and including three hundred thousand dollars then to be borrowed, until the same shall be wholly paid; and the principal and income of the said sinking fund shall be sacredly applied to that purpose.

2. *General fund debt.*—After complying with the provisions of the first section of this article, there shall

be appropriated and set apart out of the surplus revenues of the State Canals, in each fiscal year, commencing on the first day of June, one thousand eight hundred and forty-six, the sum of three hundred and fifty thousand dollars, until the time when a sufficient sum shall have been appropriated and set apart, under the said first section, to pay the interest and extinguish the entire principal of the Canal debt; and after that period, then the sum of one million and five hundred thousand dollars in each fiscal year, as a sinking fund, to pay the interest and redeem the principal of that part of the State debt called the General Fund Debt, including the debt for loans of the State credit to railroad companies which have failed to pay the interest thereon, and, also the contingent debt on State stocks loaned to incorporated companies which have hitherto paid the interest thereon, whenever and as far as any part thereof may become a charge on the Treasury or General Fund, until the same shall be wholly paid; and the principal and income of the said last-mentioned sinking fund shall be sacredly applied to the purpose aforesaid; and if the payment of any part of the moneys to the said sinking fund shall at any time be deferred, by reason of the priority recognized in the first section of this article, the sum so deferred, with quarterly interest thereon, at the then current rate, shall be paid to the last-mentioned sinking fund, as soon as it can be done consistently with the just rights of the creditors holding said Canal Debt.

3. *The canals.*—The first and second sections of this article having been fully complied with, no tolls shall hereafter be imposed on persons or property transported

on the canals, but all boats navigating the canals, and the owners and masters thereof, shall be subject to such laws and regulations as have been or may hereafter be enacted concerning the navigation of the canals. The legislature shall annually, by equitable taxes, make provision for the expenses of the superintendence and repairs of the canals. The canal debt contracted under the section hereby amended, which on the first day of October, eighteen hundred and eighty, amounted to eight million nine hundred and eighty-two thousand two hundred dollars, shall continue to be known as the "canal debt, under article seven, section three of the constitution"; and the sinking fund applicable to the payment thereof; together with the contributions to be known as the "canal debt sinking fund", and the principal and interest of said debt shall be met as provided in the fifth section of this article. All contracts for work or materials on any canals shall be made with the person who shall offer to do or provide the same at the lowest price with adequate security for their performance. No extra compensation shall be made to any contractor; but if, from any unforeseen cause, the terms of any contract shall prove to be unjust and oppressive, the canal board may, upon the application of the contractor, cancel such contract.

4. *State loans.*—The claims of the State against any incorporated company to pay the interest and redeem the principal of the stock of the State loaned or advanced to such company, shall be fairly enforced, and not released or compromised; and the moneys arising from such claim shall be set apart, and applied as part of the sinking fund provided in the second section of this

article. But the time limited for the fulfilment of any condition of any release or compromise heretofore made or provided for, may be extended by law.

5. *Taxation.*—There shall annually be imposed and levied a tax which shall be sufficient to pay the interest and extinguish the principal of the canal debt mentioned in the third section of this article, as the same shall become due and payable; and the proceeds of such tax shall, in each fiscal year, be appropriated and set apart for the sinking fund constituted for the payment of the principal and interest of the aforesaid debt. But the legislature may, in its discretion, impose for the fiscal year, beginning on the first day of October, eighteen hundred and eighty-three, a State tax on each dollar of the valuation of the property in this State which may by law then be subject to taxation, sufficient, with the accumulations of the sinking fund applicable thereto, to pay in full both the principal and interest of the canal debt before mentioned; and the proceeds of such tax shall be appropriated and set apart for the sinking fund constituted for the payment of the principal and interest of said debt. In the event of such action by the legislature, then the legislature shall, under the law directing the assessment and levy of such tax, make such provision for the retirement of the canal debt as it shall deem equitable and just to the creditors of the State.

6. *Canals.*—The legislature shall not sell, lease, or otherwise dispose of the Erie canal, the Oswego canal, the Champlain canal, the Cayuga and Seneca canal, or the Black River canal, but they shall remain the property of the State and under its management forever. All funds that may be derived from any lease, sale, or

other disposition of any canal shall be applied in payment of the canal debt mentioned in the third section of this article.

7. *Salt springs*.—The Legislature shall never sell or dispose of the Salt springs belonging to the State. The lands contiguous thereto and which may be necessary and convenient for the use of the Salt springs, may be sold by authority of law and under the direction of the Commissioners of the Land Office, for the purpose of investing the moneys arising therefrom in other lands alike convenient; but by such sale and purchase the aggregate quantity of these lands shall not be diminished.

8. *Appropriation bills*.—No moneys shall ever be paid out of the Treasury of this State, or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made within two years next after the passage of such appropriation act; and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied; and it shall not be sufficient for such law to refer to any other law to fix such sum.

9. *State credit*.—The credit of the State shall not, in any manner, be given or loaned to, or in aid of any individual, association or corporation.

10. *State debts*.—The State may, to meet casual deficits or failures in revenues, or for expenses not provided for, contract debts; but such debts, direct and contingent, singly or in the aggregate, shall not, at any

county of New York, the superior court of Buffalo, and the city court of Brooklyn are continued with the powers and jurisdiction as they now severally have and such further civil and criminal jurisdiction as may be conferred by law. The superior court of New York shall be composed of the six judges in office at the adoption of this article, and their successors. The court of common pleas of New York, of three judges then in office, and their successors, and three additional judges. The superior court of Buffalo, of the judges now in office, and their successors; and the city court of Brooklyn, of such number of judges, not exceeding three, as may be provided by law. The judges of said courts in office at the adoption of this article are continued until the expiration of their terms. A chief judge shall be appointed by the judges of each of said courts from their own number, who shall act as such during his official term. Vacancies in the office of the judges named in this section, occurring otherwise than by expiration of term, shall be filled in the same manner as vacancies in the supreme court. The Legislature may provide for detailing judges of the superior court and court of common pleas of New York to hold circuits and special terms of the supreme court in that city; and for detailing judges of the city court of Brooklyn, to hold circuits and special terms of the supreme court in Kings county as the public interest may require.

13. *Election.*—Justices of the supreme court shall be chosen by the electors of their respective judicial districts. Judges of all the courts mentioned in the last preceding section shall be chosen by the electors of the cities respectively in which the said courts are instituted.

The official terms of said justices and judges who shall be elected after the adoption of this article shall be fourteen years from and including the first day of January next after their election. But no person shall hold the office of justice or judge of any court longer than until and including the last day of December next after he shall be seventy years of age. The compensation of every judge of the court of appeals, and of every justice of the supreme court whose term of office shall be abridged pursuant to this provision, and who shall have served as such judge or justice ten years or more, shall be continued during the remainder of the term for which he was elected.

14. *Salaries.*—The judges and justices hereinbefore mentioned shall receive for their services a compensation to be established by law, which shall not be diminished during their official terms. Except the Judges of the Court of Appeals and the Justices of the Supreme Court, they shall be paid, and the expenses of their courts defrayed, by the cities or counties in which such courts are instituted, as shall be provided by law.

15. *County courts.*—The existing county courts are continued, and the judges thereof in office at the adoption of this article, shall hold their offices until the expiration of their respective terms. Their successors shall be chosen by the electors of the counties, for the term of six years. The County Courts shall have the powers and jurisdiction they now possess, until altered by the Legislature. They shall also have original jurisdiction in all cases where the defendants reside in the county and in which the damages claimed shall not exceed one thousand dollars; and also such appellate

section ; but this provision shall not be construed to revive claims already barred by existing statutes, nor to repeal any statute fixing the time within which claims shall be presented or allowed ; nor shall it extend to any claims duly presented within the time allowed, by law, and prosecuted with due diligence from the time of such presentment. But if the claimant shall be under legal disability, the claim may be presented within two years after such disability is removed.

### ARTICLE VIII.—Corporations.

1. *How created.*—Corporations may be formed under general laws ; but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the Legislature, the objects of the corporation cannot be attained under general laws. All general laws and special acts passed pursuant to this section may be altered from time to time or repealed.

2. *Debts.*—Dues from corporations shall be secured by such individual liability of the corporators and other means as may be prescribed by law.

3. *Definition.*—The term corporations as used in this article shall be construed to include all association and joint-stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue and shall be subject to be sued in all courts in like cases as natural persons.

4. *Bank charters.*—The Legislature shall, by general law, conform all charters of savings banks, or institutions for savings, to a uniformity of powers, rights and liabilities ; and all charters hereafter granted for such



corporations shall be made to conform to such general law, and to such amendments as may be made thereto. And no such corporation shall have any capital stock, nor shall the trustees thereof, or any of them, have any interest whatever, direct or indirect, in the profits of such corporation; and no director or trustee of any such bank or institution shall be interested in any loan or use of any money or property of such bank or institution for savings. The Legislature shall have no power to pass any act granting any special charter for banking purposes; but corporations or associations may be formed for such purposes under general laws.

5. *Specie payments.*—The Legislature shall have no power to pass any law sanctioning in any manner, directly or indirectly, the suspension of specie payments, by any person, association or corporation issuing bank notes of any description.

6. *Registry of bills.*—The Legislature shall provide by law for the registry of all bills or notes issued or put in circulation as money, and shall require ample security for the redemption of the same in specie.

7. *Stockholders responsible.*—The stockholders in every corporation and joint-stock association for banking purposes issuing bank notes or any kind of paper credits to circulate as money, after the first day of January, one thousand eight hundred and fifty, shall be individually responsible to the amount of their respective share or shares of stock in any such corporation or association, for all its debts and liabilities of every kind, contracted after the said first day of January, one thousand eight hundred and fifty.

8. *Insolvency*.—In case of the insolvency of any bank or banking association, the billholders thereof shall be entitled to preference in payment over all other creditors of such bank or association.

9. *Cities and villages*.—It shall be the duty of the Legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments, and in contracting debt by such municipal corporations.

10. *State credit*.—Neither the credit nor the money of the State shall be given or loaned to or in aid of any association, corporation or private undertaking. This section shall not, however, prevent the Legislature from making such provision for the education and support of the blind, the deaf and dumb, and juvenile delinquents, as to it may seem proper. Nor shall it apply to any fund or property now held, or which may hereafter be held by the State, for educational purposes.

11. *Restrictions*.—No county, city, town or village shall hereafter give any money or property, or loan its money or credit, to or in aid of any individual, association or corporation, or become, directly or indirectly, the owner of stock in or bonds of any association or corporation, nor shall any such county, city, town or village be allowed to incur any indebtedness, except for county, city, town or village purposes. This section shall not prevent such county, city, town or village from making such provision for the aid or support of its poor, as may be authorized by law.

### ARTICLE IX.—School Funds.

1. *How applied.*—The capital of the common school fund, the capital of the literature fund, and the capital of the United States deposit fund, shall be respectively preserved inviolate. The revenue of the said common school fund shall be applied to the support of common schools ; the revenue of the said literature fund shall be applied to the support of academies ; and the sum of twenty-five thousand dollars of the revenues of the United States deposit fund shall each year be appropriated to and made part of the capital of said common school fund.

### ARTICLE X.—County Officers.

1. *Election of certain officers.*—Sheriffs, clerks of counties, including the Register and Clerk of the city and county of New York, Coroners and District Attorneys, shall be chosen, by the electors of the respective counties, one in every three years and as often as vacancies shall happen. Sheriffs shall hold no other office, and be ineligible for the next three years after the termination of their offices. They may be required by law to renew their security, from time to time ; and in default of giving such new security, their offices shall be deemed vacant. But the county shall never be made responsible for the acts of the Sheriff. The Governor may remove any officer, in this section mentioned, within the term for which he shall have been elected ; giving to such officer a copy of the charges against him, and an opportunity of being heard in his defence.

2. *Election of other officers.*—All county officers whose election or appointment is not provided for by this Constitution, shall be elected by the electors of the

respective counties or appointed by the Boards of Supervisors, or other county authorities, as the Legislature shall direct. All city, town and village officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of such cities, towns and villages, or of some division thereof, or appointed by such authorities thereof, as the Legislature shall designate for that purpose. All other officers whose election or appointment is not provided for by this Constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.

3. *Term of office.*—When the duration of any office is not provided by this Constitution, it may be declared by law; and if not so declared, such office shall be held during the pleasure of the authority making the appointment.

4. *Time of election.*—The time of electing all officers named in this article shall be prescribed by law.

5. *Vacancies.*—The Legislature shall provide for filling vacancies in office; and in case of elective officers, no person appointed to fill a vacancy shall hold his office by virtue of such appointment longer than the commencement of the political year next succeeding the first annual election after the happening of the vacancy.

6. *Political year.*—The political year and Legislative term shall begin on the first day of January; and the Legislature shall, every year, assemble on the first Tuesday in January, unless a different day shall be appointed by law.

7. *Removal.*—Provision shall be made by law for the removal for misconduct or malversation in office of all officers (except judicial) whose powers and duties are not local or legislative and who shall be elected at general elections, and also for supplying vacancies created by such removal.

8. *Offices deemed vacant.*—The Legislature may declare the cases in which any office shall be deemed vacant when no provision is made for that purpose in this Constitution.

9. *Salaries.*—No officer whose salary is fixed by the Constitution shall receive any additional compensation. Each of the other State officers named in the Constitution shall, during his continuance in office, receive a compensation, to be fixed by law, which shall not be increased or diminished during the term for which he shall have been elected or appointed; nor shall he receive to his use any fees or perquisites of office or other compensation.

#### ARTICLE XI.—Militia.

1. *Bearing arms.*—The militia of this State shall, at all times hereafter, be armed and disciplined and in readiness for service; but all such inhabitants of this State of any religious demonstration whatever as from scruples of conscience may be averse to bearing arms, shall be excused therefrom upon such conditions as shall be prescribed by law.

2. *Officers.*—Militia officers shall be chosen, or appointed as follows:—Captains, subalterns, and non-commissioned officers shall be chosen by the written votes of the members of their respective companies;

Field officers of regiments and separate battalions by the written votes of the commissioned officers of the regiments and separate battalions; Brigadier-Generals and Brigade Inspectors by the field officers of their respective brigades; Major-Generals, Brigadier-Generals and commanding officers of regiments or separate battalions, shall appoint the staff officers to their respective divisions, brigades, regiments or separate battalions.

3. *Appointments.*—The Governor shall nominate and, with the consent of the Senate, appoint all Major-Generals and the Commissary-General. The Adjutant-General and other Chiefs of staff departments, and the Aid-de-Camp of the Commander-in-Chief, shall be appointed by the Governor, and their commissions shall expire with the time for which the Governor shall have been elected. The Commissary-General shall hold his office for two years. He shall give security for the faithful execution of the duties of his office in such manner and amount as shall be prescribed by law.

4. *Elections.*—The Legislature shall, by law, direct the time and manner of electing militia officers, and of certifying their elections to the Governor.

5. *Commissions.*—The commissioned officers of the militia shall be commissioned by the Governor; and no commissioned officer shall be removed from office, unless by the Senate on the recommendation of the Governor, stating the grounds on which such removal is recommended, or by the decision of a court-martial, pursuant to law. The present officers of the militia shall hold their commissions subject to removal, as before provided.

6. *Changes.*—In case the mode of election and appointment of militia officers hereby directed, shall not be found conducive to the improvement of the militia, the Legislature may abolish the same, and provide by law for their appointment and removal, if two-thirds of the members present in each house shall concur therein.

#### ARTICLE XII.—Oath of Office.

1. *Form prescribed.*—Members of the Legislature (and all officers, executive and judicial, except such inferior officers as shall be by law exempted), shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: “I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of New York, and that I will faithfully discharge the duties of the office of....., according to the best of my ability”; and all such officers who shall have been chosen at any election shall, before they enter on the duties of their respective offices, take and subscribe the oath or affirmation above prescribed, together with the following addition thereto, as part thereof :

“And I do further solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promised to pay, contributed, or offered or promised to contribute, any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office, and have not made any promise to influence the giving or withholding any such vote”; and no other oath, declaration or test, shall be required as a qualification for any office of public trust.

**ARTICLE XIII.—Amendments.**

1. *How made.*—Any amendment or amendments to this Constitution may be proposed in the Senate and Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the next general election of Senators, and shall be published for three months previous to the time of making such choice; and if the Legislature so next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the Legislature, voting thereon, such amendment or amendments shall become part of the Constitution.

2. *Vicennial popular vote.*—At the general election to be held in the year eighteen hundred and sixty-six, and in each twentieth year thereafter, and also at such time as the Legislature may by law provide, the question, “Shall there be a convention to revise the constitution, and amend the same?” shall be decided by the electors qualified to vote for members of the Legislature; and in case a majority of the electors so qualified, voting at such election, shall decide in favor of a convention for such purpose, the Legislature at its next session shall provide by law for the election of delegates to such convention.



## INDEX.

---

Accessories to crime.....	120.
Aldermen.....	49, 167
Allodial tenure.....	156.
Ambassadors.....	94, 95, 98, 140, 141, 142.
Amendments to Constitution.	
— of the United States.....	9, 114, 144, 146.
— of New York.....	10, 202.
Appeals at law, process.....	83, 180, 186
Appellate jurisdiction.....	79, 83, 142, 178
Appointive officers.....	70
— in New York.....	61, 177, 178, 180
— by the President.....	95, 140.
Apportionment of representatives.....	24, 26, 101, 130, 150.
Arrest, how effected.....	85.
Arson, definition.....	117
Assembly.....	51, 53-55, 99, 160.
Assembly districts.....	24-26, 53, 161
— conventions.....	87, 88
Assessors.....	34, 36, 38, 60, 61
Attainder, bill of.....	117, 138
Attorney-General, United States.....	92, 97
— New York.....	60-62, 64, 172.
Bail.....	120, 147, 154.
Ballot, election by.....	160.
Bank charters.....	194.
Bigamy, defined.....	119
Bills, where originated.....	116, 133.
— in England.....	21
— in the Legislature.....	56, 155, 164, 166, 191.
— private.....	164.
— in Congress.....	56, 105, 133
— how they become laws.....	57, 184, 170.

Board of Claims.....	60, 61, 65
Bonds required.	
— supervisors.....	38
— justices of the peace.....	38
— highway commissioners.....	38
— overseer of the poor.....	39
— collector of the district.....	29
— of town.....	39
— constables.....	39
— excise commissioners.....	39
— sheriff.....	47
— county treasurer.....	47
— surrogate.....	47
— superintendents of the poor.....	47
— sup't of public works.....	172
— sup't of prisons.....	174
Bribery defined.....	119, 158
Burglary defined.....	118
Burr, Aaron, treason of.....	116
Cabinet of the U. S.....	vi, 92, 95, 96
Canal fund.....	63-65, 187
Canals.....	67, 174, 187-191
Capital of New York.....	18
Capital punishment.....	83, 117
Capitol of New York, trustees.....	64, 65
Carroll, Charles.....	4
Chart of divisions of Gov't.....	14, 15
Circuit courts, New York.....	80, 180
— United States.....	84, 85
Citizen, definition of.....	103, 111, 115, 160
Cities.....	14, 15, 17, 25, 49, 50, 196
— of New York.....	xiii, xiv
— of Pennsylvania.....	xiv
City courts.....	181
Civil government defined.....	1
— science of.....	1
Civil rights.....	150

Clerk of school district.....	27, 28
— of courts.....	135
Clinton, George.....	18
Codification of New York laws.....	156
Collector, school district.....	27, 29
— town.....	34, 36, 38, 39
Commander-in-Chief, United States.....	94, 140
—, New York.....	168, 170
Commissioners of the land office.....	63-65, 175, 200
Committee of the whole.....	110
Common council.....	50, 167
Common law.....	21, 22
Comptroller.....	60-62, 64, 172, 174
Confederation, Articles of.....	4-6
Congress.....	12, 99, 108, 110, 129-138, 141
Congressional districts.....	12, 26, 101, 180, 150
Congressman-at-large.....	103
Constables.....	34, 36, 38, 39
— game.....	34, 37
Constitution of the U. S.....	7-11, 129-151
— of New York.....	10, 11, 18, 153-202
— of England.....	10
Consuls.....	94, 96, 98, 140
Continental congresses.....	1, 2, 5-7
Conventions, political.....	87, 88
Coroners.....	41, 44, 197
Corporations.....	194
Counterfeiting.....	118
County.....	14, 15, 17, 25, 40-48
— how organized.....	13, 26
— assembly districts.....	54
— offices.....	40-42, 48, 70, 197
— canvassers.....	89
— clerk.....	41, 43, 47, 197
— conventions.....	87, 88
— court.....	78, 79, 183
— judges.....	xii, 41, 42, 80

County treasurer.....	41, 43
Court of appeals.....	viii, 60, 82, 176
Second division.....	viii, 178
— of claims.....	86
— of sessions.....	79
— city.....	181
— district.....	84, 85
— general term.....	80, 81, 82, 180
— superior.....	84
— over and terminer.....	80
— special term.....	80, 81
— supreme, U. S. ....	x, 85, 141
— New York.....	xi, 80, 81
Criminal proceedings.....	146, 147
Declaration of Independence.....	2, 3, 123-128
Department of Public Instruction.....	xvi
— of supreme court.....	81
District, definition of.....	23
— attorney.....	41, 43, 197
— courts.....	84, 85, 185
— of Columbia.....	12, 14, 15, 19, 73, 74
Disturbance of school.....	32
Divorces in New York.....	155
Elections.....	70, 132, 160
Elective district.....	23
— offices.....	61, 70
Electoral college.....	93
Electors, presidential.....	88, 89
Eligibility to office,	
— in school district.....	28
— sheriff.....	41
— county judge.....	41
— district attorney.....	41
— superintendent of the poor.....	41
— justices of session.....	41
— legislature.....	54, 162
— Governor, Lt. Governor.....	62, 168

<b>Eligibility to office.</b>	
— justices of supreme court.....	81
— President, Vice-President.....	93, 189, 149
— representative.....	103, 129, 183
— U. S. senator.....	106, 181, 183
<b>Emancipation in New York</b> .....	18
— in United States.....	149
<b>Embezzlement defined</b> .....	119
<b>Engineer and surveyor</b> .....	60-62, 65, 172
<b>England</b> .....	10, 14, 15, 20, 21, 124-127
<b>Erle Canal, history of</b> .....	69
<b>Ex-post facto laws</b> .....	113, 137, 188
<b>Excise commissioners</b> .....	84, 87, 88, 89
<b>Executive power in Confederation</b> .....	4, 7
— in the United States.....	12
— sessions.....	109
<b>Extradition</b> .....	143
<b>Felony, defined</b> .....	120
<b>Feudal tenures</b> .....	156
<b>Foreign ministers</b> .....	94, 95, 140, 141
<b>Forgery defined</b> .....	118
<b>Franchise</b> .....	153
<b>Freedom of religion, speech, and petition</b> .....	146, 153, 155
<b>Game constables</b> .....	84, 87
<b>"General assembly"</b> .....	18
<b>General fund debt</b> .....	187
<b>General vs. special laws</b> .....	165, 166
<b>General terms</b> .....	80, 81, 82, 180
<b>Government definition</b> .....	1
— divisions of, Confederation.....	4, 7
— in the U. S. ....	12
— in New York.....	12, 18
— in districts, towns, &c.....	13-16
— organized by statute law.....	12
— districts.....	23
— State vs. national.....	99
<b>Governor</b> .....	vii, viii, 18, 57, 60-62, 82, 167-171, 176, 181

Grand jury.....	75, 76, 144, 154
Grants of land, N. Y.....	157
Habeas Corpus.....	112, 137, 154
Highway commissioners.....	84, 86, 88
Holidays, legal.....	33
House of commons.....	21
— of Lords.....	21
— of Representatives.....	91, 99-105, 129-130, 149
Idiot Asylum, trustees.....	64
Impeachment.....	105, 116, 162, 176
— of national offices.....	105, 107, 131, 132, 141
— in New York.....	viii, 55, 57, 58
Independence Bell.....	4
Indian lands, New York.....	156
Indictment.....	77
Inferior courts.....	84, 185
Insolvency.....	196
Inspectors of Election.....	84, 87, 40, 89
Joint ballot.....	61
Judicial courts.....	13
— districts.....	xi, 13, 24-26, 80, 178
Judiciary in Confederation.....	4
Juries, definition.....	75
— kinds.....	75
— exemption from.....	75
Jurisdiction, kinds of.....	79, 83, 85, 86, 141, 178, 183
Jury trial.....	147, 153, 155, 165
Justice of sessions.....	41, 44, 80, 184
— of supreme court.....	viii, x, xi, 80, 85, 140, 178, 186
— of the peace.....	34, 35, 38, 184, 185
Justice's court.....	75-79
Land office commissioners.....	63-65, 175
Larceny, defined.....	118
Law of equity.....	21, 22
Leases, limit of.....	156
Legal holidays.....	33
Legislature.....	12-15, 18, 99, 105, 160-167, 193, 198

Libel defined.....	118, 155
Librarian of school district.....	27, 29
Lt. Governor.....	vii, viii, 60-63, 163, 167, 169, 176
Loan commissioners.....	60, 61, 185
Local court judges.....	184
Lotteries forbidden.....	155
<i>Magna Charta</i> .....	20
Majority.....	21, 79, 116, 163, 164
Marque and reprisal.....	117, 185, 187
Mayor.....	49
Mileage.....	60
Militia.....	199
Minister plenipotentiary.....	98
Murder.....	119
National convention.....	87, 88
National law supreme.....	145
Naturalization.....	103, 111, 115, 135, 136
Nobility, titles of.....	187, 188
Notaries public.....	60, 61
Oath of office.....	38, 47, 55, 140, 145, 201
Original jurisdiction.....	79, 83, 85, 86, 142
Overseers of the poor.....	84, 86, 88, 89
Oyer and terminer.....	80, 180
Pardon granted.....	140, 169
Perjury, defined.....	119
Petition, right of.....	146, 155
Plurality vs. majority.....	70
Political conventions.....	87, 88
— disabilities.....	114, 151
— year.....	198
Postmaster general.....	92, 97
Postmasters, appointed.....	96
President of the U. S.....	93-95, 138
Presidential elections.....	v, 70, 71, 87, 90, 138, 148
— electors.....	88-90, 143
— succession.....	92

Private property.....	145
Privileges of congressmen.....	133
— of legislators.....	164
Property in lands.....	155
Public debt.....	150
Punishments.....	147
Qualifications of jurors.....	75
— of voters in school district.....	31
— in town and county.....	39, 158
— in the Legislature.....	58
— in Congress.....	109
— in England.....	21
— for office, see Eligibility.	
Quarantine commissioners.....	60
Quartering of soldiers.....	146
Quorum.....	116, 163
Railroad commissioners.....	60-62, 67
Regents of the University.....	xv, xvi, 61-64, 67
Religious liberty.....	146, 153
Removal of officers.....	70, 173, 181, 199
Reprieves.....	140, 169
Residence of voters.....	159
Road district.....	23, 154, 165, 166
— jury.....	75, 76, 154
Robbery.....	119
Salary of officers,	
— school district.....	29
— towns.....	37, 38
— county.....	xii, 45-47, 167, 184
— State.....	xvi, 59, 68, 162, 165, 167, 169, 170, 172, 183, 186, 199
— Territory.....	73
— Congress.....	109
— District of Columbia.....	74
— supreme court.....	81
— court of appeals.....	viii, 82
— district court judges.....	85
— circuit judges.....	85



Salary of officers,	
— supreme court judges.....	86
— court of claims.....	86
— President and Vice-President.....	95, 189
— Cabinet officers.....	98
— foreign ministers.....	98
— Congress.....	110
Salt Springs.....	191
School commissioners.....	16, 24-26, 31, 32, 41, 44
— district.....	18-16, 23, 27-33, 70
— funds.....	197
— meetings.....	16, 28, 80
— moneys.....	32
— taxes.....	32
Sealer of weights and measures.....	34
Search warrants.....	144
Secretary of Agriculture.....	vi, 98
— of State, U. S.....	vi, 92, 96
— New York.....	55, 60-63, 172
— of the Interior.....	vi, 92, 97
— of the Navy.....	vi, 92, 97
— of the Treasury.....	vi, 92, 96
— of War.....	vi, 92, 96
Senate, U. S.....	99, 105-108, 130-132, 140
— New York.....	51, 52, 56, 99, 160, 176, 181
— districts.....	24-26, 52, 160
Senators, U. S.....	61
— from New York.....	ix, 69
Sheriff.....	40, 42, 197
Slander, defined.....	118
Slavery.....	143, 149
Slaves held in New York.....	18
Speaker, House of Lords.....	21
— House of Commons.....	21
— House of Representatives.....	21
— Assembly.....	55
Special sessions.....	186
— term.....	80, 81

Specie payments.....	195
State, powers of.....	14, 15, 17, 51-69, 142, 143, 144, 148
— how admitted.....	12, 71, 144
— election, when held.....	71, 163
— tabular view of officers.....	60
— board of charities.....	63, 64
— canvassers.....	68, 89
— conventions.....	87, 88
— courts.....	78
— debts.....	191
— election for Governor.....	71
— engineer and surveyor.....	60-62, 65
— hall.....	64, 65
— loans.....	189, 191, 196
Statute Law,	
— of England.....	21, 22
— of Congress.....	12
— of the Legislature.....	12
Struck jury.....	77
Suffrage.....	151
Sup't of banking.....	60-62, 65
— of insurance.....	60-62, 65
— of prisons.....	60-62, 66, 174
— of public instruction.....	xvi, 16, 61, 62, 66
— of public works.....	60-62, 66, 172
— of the poor.....	44
Supervisors.....	17, 84, 35, 37-39, 49, 54, 165, 167, 198
Supreme court, U. S.....	x, 85, 140, 178, 186
— New York.....	xi, 80, 81, 182
Surrogate.....	xii, 41, 42, 184
— courts.....	186
Tabular view of State officers.....	60
Tariff between States forbidden.....	137
Taxation, State.....	190-192
Teachers, employment of.....	31
— qualifications.....	32
Teachers' institutes.....	45

Tenures, feudal, allodial.....	156
Term of Governor's office.....	viii
Territory.....	12, 14, 15, 19, 71, 82, 105, 144
Town.....	xiii, 14-16, 25, 26, 84-89
— caucus.....	87
— clerk.....	84, 85, 88, 76
— meetings.....	16, 84, 89, 71
— officers.....	70
Treason.....	118, 142
Treasurer, district.....	27
— State.....	60-62, 64, 172, 175
Treaties.....	108, 137, 140, 142
Trial jury.....	75, 76, 80, 155
Trustees of school district.....	16, 27-29, 30-32
— of State institutions.....	60, 63
Union free school districts.....	27
United States.....	14, 15, 19, 75-95
— courts.....	84, 94, 96
— senators from New York.....	ix
Veto.....	124, 134, 170
Vice-President.....	91, 93, 94, 108, 181
Vicennial popular vote.....	202
Villages.....	196
Voters. See "Qualifications."	
Voting, kinds of.....	59
West Virginia, how admitted.....	72
Wife of a citizen herself a citizen.....	115

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